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General Assembly

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Sixty-fifth session
Agenda item 36
The situation in the Middle East

Algeria, Bahrain, Bangladesh, Brunei Darussalam, Comoros, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Guinea, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Mauritania, Morocco, Namibia, Nicaragua, Oman, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, Sudan, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe and Palestine: draft resolution

Jerusalem

The General Assembly,

Recalling its resolution 181 (II) of 29 November 1947, in particular its provisions regarding the City of Jerusalem,

Recalling also its resolution 36/120 E of 10 December 1981 and all its subsequent relevant resolutions, including resolution 56/31 of 3 December 2001, in which it, inter alia, determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, are null and void and must be rescinded forthwith,

Recalling further the Security Council resolutions relevant to Jerusalem, including resolution 478 (1980) of 20 August 1980, in which the Council, inter alia, decided not to recognize the "Basic Law" on Jerusalem,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,[1] and recalling its resolution ES-10/15 of 20 July 2004,

Expressing its grave concern about any action taken by any body, governmental or non-governmental, in violation of the above-mentioned resolutions,

[1] See A/ES-10/273 and Corr.1; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

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Expressing its grave concern also, in particular, about the continuation by Israel, the occupying Power, of illegal settlement activities, including the so-called E-1 plan, its construction of the wall in and around East Jerusalem, its restrictions on access to and residence in East Jerusalem and the further isolation of the city from the rest of the Occupied Palestinian Territory, which are having a detrimental effect on the lives of Palestinians and could prejudge a final status agreement on Jerusalem,

Expressing its grave concern further about the continuing Israeli demolition of Palestinian homes and the eviction of numerous Palestinian families from East Jerusalem neighbourhoods, as well as other acts of provocation and incitement, including by Israeli settlers, in the city,

Expressing its concern about the Israeli excavations undertaken in the Old City of Jerusalem, including in and around religious sites,

Reaffirming that the international community, through the United Nations, has a legitimate interest in the question of the City of Jerusalem and in the protection of the unique spiritual, religious and cultural dimensions of the city, as foreseen in relevant United Nations resolutions on this matter,

Having considered the report of the Secretary-General on the situation in the Middle East,[2]

1. *Reiterates its determination* that any actions taken by Israel, the occupying Power, to impose its laws, jurisdiction and administration on the Holy City of Jerusalem are illegal and therefore null and void and have no validity whatsoever, and calls upon Israel to immediately cease all such illegal and unilateral measures;

2. *Stresses* that a comprehensive, just and lasting solution to the question of the City of Jerusalem should take into account the legitimate concerns of both the Palestinian and Israeli sides and should include internationally guaranteed provisions to ensure the freedom of religion and of conscience of its inhabitants, as well as permanent, free and unhindered access to the holy places by the people of all religions and nationalities;

3. *Requests* the Secretary-General to report to the General Assembly at its sixty-sixth session on the implementation of the present resolution.

[2] A/65/379.

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Sixty-fifth session
Agenda item 36
The situation in the Middle East

Algeria, Bahrain, Bangladesh, Brunei Darussalam, Comoros, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Guinea, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Mali, Mauritania, Morocco, Namibia, Nicaragua, Nigeria, Oman, Qatar, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Somalia, South Africa, Sudan, Syrian Arab Republic, Tajikistan, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of), Yemen, Zimbabwe and Palestine: draft resolution

The Syrian Golan

The General Assembly,

Having considered the item entitled "The situation in the Middle East",

Taking note of the report of the Secretary-General,[1]

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Reaffirming the fundamental principle of the inadmissibility of the acquisition of territory by force, in accordance with international law and the Charter of the United Nations,

Reaffirming once more the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[2] to the occupied Syrian Golan,

Deeply concerned that Israel has not withdrawn from the Syrian Golan, which has been under occupation since 1967, contrary to the relevant Security Council and General Assembly resolutions,

Stressing the illegality of the Israeli settlement construction and other activities in the occupied Syrian Golan since 1967,

Noting with satisfaction the convening in Madrid on 30 October 1991 of the Peace Conference on the Middle East, on the basis of Security Council resolutions

[1] A/65/379.
[2] United Nations, *Treaty Series*, vol. 75, No. 973.

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242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973 and 425 (1978) of 19 March 1978 and the formula of land for peace,

Expressing grave concern over the halt in the peace process on the Syrian track, and expressing the hope that peace talks will soon resume from the point they had reached,

1. *Declares* that Israel has failed so far to comply with Security Council resolution 497 (1981);

2. *Also declares* that the Israeli decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void and has no validity whatsoever, as confirmed by the Security Council in its resolution 497 (1981), and calls upon Israel to rescind it;

3. *Reaffirms its determination* that all relevant provisions of the Regulations annexed to the Hague Convention of 1907,[3] and the Geneva Convention relative to the Protection of Civilian Persons in Time of War,[2] continue to apply to the Syrian territory occupied by Israel since 1967, and calls upon the parties thereto to respect and ensure respect for their obligations under those instruments in all circumstances;

4. *Determines once more* that the continued occupation of the Syrian Golan and its de facto annexation constitute a stumbling block in the way of achieving a just, comprehensive and lasting peace in the region;

5. *Calls upon* Israel to resume the talks on the Syrian and Lebanese tracks and to respect the commitments and undertakings reached during the previous talks;

6. *Demands once more* that Israel withdraw from all the occupied Syrian Golan to the line of 4 June 1967 in implementation of the relevant Security Council resolutions;

7. *Calls upon* all the parties concerned, the co-sponsors of the peace process and the entire international community to exert all the necessary efforts to ensure the resumption of the peace process and its success by implementing Security Council resolutions 242 (1967) and 338 (1973);

8. *Requests* the Secretary-General to report to the General Assembly at its sixty-sixth session on the implementation of the present resolution.

[3] See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

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Sixty-fifth session
Agenda item 74 (a)
Oceans and the law of the sea

Australia, Austria, Belgium, Brazil, Canada, Denmark, Finland, Greece, Guatemala, Iceland, India, Italy, Japan, Lithuania, Madagascar, Malta, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Slovenia, Spain, Sweden, Tuvalu and United Kingdom of Great Britain and Northern Ireland: draft resolution

Oceans and the law of the sea

The General Assembly,

Recalling its annual resolutions on the law of the sea and on oceans and the law of the sea, including resolution 64/71 of 4 December 2009, and other relevant resolutions concerning the United Nations Convention on the Law of the Sea ("the Convention"),[1]

Having considered the report of the Secretary-General,[2] the recommendations of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction ("the Ad Hoc Open-ended Informal Working Group")[3] and the reports on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea ("the Consultative Process") at its eleventh meeting,[4] on the twentieth Meeting of States Parties to the Convention,[5] and on the work of the Ad Hoc Working Group of the Whole on the Regular Process for global reporting and assessment of the state of the marine environment, including socio-economic aspects ("the Regular Process"),[6]

Emphasizing the pre-eminent contribution provided by the Convention to the strengthening of peace, security, cooperation and friendly relations among all nations in conformity with the principles of justice and equal rights and to the promotion of the economic and social advancement of all peoples of the world, in

[1] United Nations, *Treaty Series*, vol. 1833, No. 31363.
[2] A/65/69 and Add.1 and 2.
[3] A/65/68, sect. I.
[4] See A/65/164.
[5] SPLOS/218.
[6] A/65/358.

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accordance with the purposes and principles of the United Nations as set forth in the Charter of the United Nations, as well as to the sustainable development of the oceans and seas,

Emphasizing also the universal and unified character of the Convention, and reaffirming that the Convention sets out the legal framework within which all activities in the oceans and seas must be carried out and is of strategic importance as the basis for national, regional and global action and cooperation in the marine sector, and that its integrity needs to be maintained, as recognized also by the United Nations Conference on Environment and Development in chapter 17 of Agenda 21,[7]

Recognizing the important contribution of sustainable development and management of the resources and uses of the oceans and seas to the achievement of international development goals, including those contained in the United Nations Millennium Declaration,[8]

Conscious that the problems of ocean space are closely interrelated and need to be considered as a whole through an integrated, interdisciplinary and intersectoral approach, and reaffirming the need to improve cooperation and coordination at the national, regional and global levels, in accordance with the Convention, to support and supplement the efforts of each State in promoting the implementation and observance of the Convention, and the integrated management and sustainable development of the oceans and seas,

Reiterating the essential need for cooperation, including through capacity-building and transfer of marine technology, to ensure that all States, especially developing countries, in particular the least developed countries and small island developing States, as well as coastal African States, are able both to implement the Convention and to benefit from the sustainable development of the oceans and seas, as well as to participate fully in global and regional forums and processes dealing with oceans and law of the sea issues,

Emphasizing the need to strengthen the ability of competent international organizations to contribute, at the global, regional, subregional and bilateral levels, through cooperation programmes with Governments, to the development of national capacity in marine science and the sustainable management of the oceans and their resources,

Recalling that marine science is important for eradicating poverty, contributing to food security, conserving the world's marine environment and resources, helping to understand, predict and respond to natural events and promoting the sustainable development of the oceans and seas, by improving knowledge, through sustained research efforts and the evaluation of monitoring results, and applying such knowledge to management and decision-making,

Reiterating its deep concern at the serious adverse impacts on the marine environment and biodiversity, in particular on vulnerable marine ecosystems and their physical and biogenic structure, including coral reefs, cold water habitats, hydrothermal vents and seamounts, of certain human activities,

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[7] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992*, vol. I, *Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex II.

[8] See resolution 55/2.

Emphasizing the need for the safe and environmentally sound recycling of ships,

Expressing deep concern at the adverse economic, social and environmental impacts of the physical alteration and destruction of marine habitats that may result from land-based and coastal development activities, in particular those land reclamation activities that are carried out in a manner that has a detrimental impact on the marine environment,

Noting the ministerial meeting of the Commission for the Protection of the Marine Environment of the North-East Atlantic, held in Bergen, Norway, from 20 to 24 September 2010,

Reiterating its serious concern at the current and projected adverse effects of climate change on the marine environment and marine biodiversity, and emphasizing the urgency of addressing this issue,

Expressing concern that climate change continues to increase the severity and incidence of coral bleaching throughout tropical seas and weakens the ability of reefs to withstand ocean acidification, which could have serious and irreversible negative effects on marine organisms, particularly corals, as well as to withstand other pressures, including overfishing and pollution,

Reiterating its deep concern at the vulnerability of the environment and the fragile ecosystems of the polar regions, including the Arctic Ocean and the Arctic ice cap, particularly affected by the projected adverse effects of climate change,

Recognizing the need for a more integrated and ecosystem-based approach to, further study of and the promotion of measures for enhanced cooperation, coordination and collaboration relating to, the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction,

Recognizing also that the realization of the benefits of the Convention could be enhanced by international cooperation, technical assistance and advanced scientific knowledge, as well as by funding and capacity-building,

Recognizing further that hydrographic surveys and nautical charting are critical to the safety of navigation and life at sea, environmental protection, including the protection of vulnerable marine ecosystems, and the economics of the global shipping industry, and encouraging further efforts towards electronic charting, which not only provides significantly increased benefits for safe navigation and management of ship movement, but also provides data and information that can be used for sustainable fisheries activities and other sectoral uses of the marine environment, the delimitation of maritime boundaries and environmental protection,

Emphasizing that underwater archaeological, cultural and historical heritage, including shipwrecks and watercrafts, holds essential information on the history of humankind and that such heritage is a resource that needs to be protected and preserved,

Noting with concern the continuing problem of transnational organized crime committed at sea, including illicit traffic in narcotic drugs and psychotropic substances, the smuggling of migrants and trafficking in persons, and threats to maritime safety and security, including piracy, armed robbery at sea, smuggling and

terrorist acts against shipping, offshore installations and other maritime interests, and noting the deplorable loss of life and adverse impact on international trade, energy security and the global economy resulting from such activities,

Recognizing that fibre optic submarine cables transmit most of the world's data and communications and hence are vitally important to the global economy and the national security of all States, conscious that these cables are susceptible to intentional and accidental damage from shipping and other activities, and noting that these matters have been brought to the attention of States at various workshops and seminars, and conscious of the need for States to adopt national laws and regulations to protect submarine cables and render their wilful damage or damage by culpable negligence punishable offences,

Noting the importance of the delineation of the outer limits of the continental shelf beyond 200 nautical miles and that it is in the broader interest of the international community that coastal States with a continental shelf beyond 200 nautical miles submit information on the outer limits of the continental shelf beyond 200 nautical miles to the Commission on the Limits of the Continental Shelf ("the Commission"), and welcoming the submissions to the Commission by a considerable number of States Parties on the outer limits of their continental shelf beyond 200 nautical miles, that the Commission has continued to fulfil its role, including of making recommendations to coastal States, and that the summaries of recommendations are being made publicly available,[9]

Noting also that many coastal States Parties have submitted preliminary information indicative of the outer limits of the continental shelf beyond 200 nautical miles, as provided for in the decision of the eighteenth Meeting of States Parties to the Convention regarding the workload of the Commission and the ability of States, particularly developing States, to fulfil the requirements of article 4 of annex II to the Convention, as well as the decision contained in SPLOS/72, paragraph (a),[10]

Noting further that some coastal States may continue to face particular challenges in relation to preparing and presenting submissions to the Commission,

Noting that financial and technical assistance may be sought by developing countries for activities in relation to preparing and presenting submissions to the Commission, including through the voluntary trust fund established by resolution 55/7 of 30 October 2000 for the purpose of facilitating the preparation of submissions to the Commission for developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the Convention, as well as other accessible international assistance,

Recognizing the importance of the trust funds established by resolution 55/7 in facilitating the participation of members of the Commission from developing States in the meetings of the Commission and in fulfilling the requirements of article 4 of annex II to the Convention, while noting with appreciation the recent contributions made to them,

Reaffirming the importance of the work of the Commission for coastal States and for the international community,

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[9] Available from www.un.org/Depts/los/index.htm.

[10] SPLOS/183.

Recognizing the significant workload of the Commission in view of the large number of submissions already received and a number of submissions yet to be received, which places additional demands and challenges on its members and the secretariat as provided by the Secretary-General of the United Nations through the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat ("the Division"), and taking note of the information contained in the note on issues related to the workload of the Commission prepared by the Secretariat at the request of the nineteenth Meeting of States Parties to the Convention,[11] as well as of the decision of the twentieth Meeting of States Parties regarding the workload of the Commission,[12]

Welcoming the ongoing consideration of the workload of the Commission by the Meeting of States Parties to the Convention,

Noting with concern the projected timetable of the work of the Commission on the submissions already received by it and those yet to be received[13] and, in this regard, the consequences of the duration of the sessions of the Commission and the meetings of its subcommissions,

Recognizing significant inequities and difficulties for States arising out of the projected timetable, including with respect to retaining expertise, when there is a considerable delay between preparation of submissions and their consideration by the Commission,

Recognizing also the need to take action to ensure that the Commission can perform its functions under the Convention expeditiously, efficiently and effectively, and maintain its high level of quality and expertise,

Recalling its decision, in resolutions 57/141 of 12 December 2002 and 58/240 of 23 December 2003, to establish a regular process under the United Nations for global reporting and assessment of the state of the marine environment, including socio-economic aspects, both current and foreseeable, building on existing regional assessments, as recommended by the World Summit on Sustainable Development,[14] and noting the need for cooperation among all States to this end,

Recalling also its decision, in resolution 60/30 of 29 November 2005, to launch the start-up phase, the "assessment of assessments", to be completed within two years, as a preparatory stage towards the establishment of the Regular Process,

Recognizing the importance and the contribution of the work of the Consultative Process established by resolution 54/33 of 24 November 1999 to facilitate the annual review of developments in ocean affairs by the General Assembly,

Noting the responsibilities of the Secretary-General under the Convention and related resolutions of the General Assembly, in particular resolutions 49/28 of 6 December 1994, 52/26 of 26 November 1997 and 54/33, and in this context the substantial increase in activities of the Division, in particular in view of the growing number of requests to the Division for additional outputs and servicing of meetings,

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[11] See SPLOS/208.

[12] SPLOS/216.

[13] See SPLOS/203, paras. 81-83.

[14] See *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

its increasing capacity-building activities, the need for enhanced support and assistance to the Commission and the role of the Division in inter-agency coordination and cooperation,

Reaffirming the importance of the work of the International Seabed Authority ("the Authority") in accordance with the Convention and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 ("the Part XI Agreement"),[15]

Reaffirming also the importance of the work of the International Tribunal for the Law of the Sea ("the Tribunal") in accordance with the Convention,

Recognizing, on the occasion of its fiftieth anniversary, the important role of the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization,

I
Implementation of the Convention and related agreements and instruments

1. *Reaffirms* its annual resolutions on the law of the sea and on oceans and the law of the sea, including resolution 64/71, and other relevant resolutions concerning the Convention;[1]

2. *Also reaffirms* the unified character of the Convention and the vital importance of preserving its integrity;

3. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention and the Part XI Agreement;[15]

4. *Calls upon* States that have not done so, in order to achieve the goal of universal participation, to become parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks ("the Fish Stocks Agreement");[16]

5. *Calls upon* States to harmonize their national legislation with the provisions of the Convention and, where applicable, relevant agreements and instruments, to ensure the consistent application of those provisions and to ensure also that any declarations or statements that they have made or make when signing, ratifying or acceding to the Convention do not purport to exclude or to modify the legal effect of the provisions of the Convention in their application to the State concerned and to withdraw any such declarations or statements;

6. *Calls upon* States Parties to the Convention that have not yet done so to deposit with the Secretary-General charts or lists of geographical coordinates, as provided for in the Convention;

7. *Urges* all States to cooperate, directly or through competent international bodies, in taking measures to protect and preserve objects of an archaeological and historical nature found at sea, in conformity with the Convention, and calls upon States to work together on such diverse challenges and opportunities as the

[15] United Nations, *Treaty Series*, vol. 1836, No. 31364.
[16] Ibid., vol. 2167, No. 37924.

appropriate relationship between salvage law and scientific management and conservation of underwater cultural heritage, increasing technological abilities to discover and reach underwater sites, looting and growing underwater tourism;

8. *Notes* the recent deposit of instruments of ratification and acceptance of the 2001 Convention on the Protection of the Underwater Cultural Heritage,[17] and notes in particular the rules annexed thereto, which address the relationship between salvage law and scientific principles of management, conservation and protection of underwater cultural heritage among Parties, their nationals and vessels flying their flag;

II
Capacity-building

9. *Emphasizes* that capacity-building is essential to ensure that States, especially developing countries, in particular the least developed countries and small island developing States, as well as coastal African States, are able to fully implement the Convention, benefit from the sustainable development of the oceans and seas and participate fully in global and regional forums on ocean affairs and the law of the sea;

10. *Emphasizes also* the need for international cooperation for capacity-building, including cross-sectoral cooperation, at national, regional and global levels, to address, in particular, gaps in capacity-building in ocean affairs and the law of the sea, including marine science;

11. *Calls* for capacity-building initiatives to take into account the needs of developing countries, and calls upon States, international organizations and donor agencies to make efforts to ensure the sustainability of such initiatives;

12. *Calls upon* donor agencies and international financial institutions to keep their programmes systematically under review to ensure the availability in all States, particularly in developing States, of the economic, legal, navigational, scientific and technical skills necessary for the full implementation of the Convention and the objectives of the present resolution, as well as the sustainable development of the oceans and seas nationally, regionally and globally, and in so doing to bear in mind the interests and needs of landlocked developing States;

13. *Encourages* intensified efforts to build capacity for developing countries, in particular for the least developed countries and small island developing States, as well as coastal African States, to improve hydrographic services and the production of nautical charts, including electronic charts, as well as the mobilization of resources and building of capacity with support from international financial institutions and the donor community;

14. *Calls upon* States and international financial institutions, including through bilateral, regional and global cooperation programmes and technical partnerships, to continue to strengthen capacity-building activities, in particular in developing countries, in the field of marine scientific research by, inter alia, training

[17] See United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Thirty-first Session, Paris, 15 October-3 November 2001*, vol. 1 and corrigendum: *Resolutions*, resolution 24.

personnel to develop and enhance relevant expertise, providing the necessary equipment, facilities and vessels and transferring environmentally sound technologies;

15. *Also calls upon* States and international financial institutions, including through bilateral, regional and global cooperation programmes and technical partnerships, to strengthen capacity-building activities in developing countries, in particular least developed countries and small island developing States, to develop their maritime administration and appropriate legal frameworks to establish or enhance the necessary infrastructure, legislative and enforcement capabilities to promote effective compliance with, and implementation and enforcement of, their responsibilities under international law;

16. *Emphasizes* the need to focus on strengthening South-South cooperation as an additional way to build capacity and as a cooperative mechanism to further enable countries to set their own priorities and needs;

17. *Recognizes* the importance of the work of the International Maritime Law Institute of the International Maritime Organization as a centre of education and training of Government legal advisers, mainly from developing States, confirms its effective capacity-building role in the field of international law, and urges States, intergovernmental organizations and financial institutions to make voluntary financial contributions to the budget of the Institute;

18. *Also recognizes* the importance of the World Maritime University of the International Maritime Organization as a centre for maritime education and research, confirms its effective capacity-building role in the field of maritime transportation, policy, administration, management, safety, security and environmental protection, as well as its role in the international exchange and transfer of knowledge, and urges States, intergovernmental organizations and other bodies to make voluntary financial contributions to the University;

19. *Welcomes* ongoing activities for capacity-building so as to address maritime security and safety needs and the protection of the marine environment of developing States, and encourages States and international financial institutions to provide additional funding for capacity-building programmes, including for transfer of technology, including through the International Maritime Organization and other competent international organizations;

20. *Recognizes* the considerable need to provide sustained capacity-building assistance, including on financial and technical aspects, by relevant international organizations and donors to developing States, with a view to further strengthening their capacity to take effective measures against the multiple facets of international criminal activities at sea, in line with the relevant international instruments, including the United Nations Convention against Transnational Organized Crime and the Protocols thereto;[18]

21. *Also recognizes* the need to build the capacity of developing States to raise awareness of, and support the implementation of, improved waste management practices, noting the particular vulnerability of small island developing States to the impact of marine pollution from land-based sources and marine debris;

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[18] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

22. *Further recognizes* the importance of assisting developing States, in particular the least developed countries and small island developing States, as well as coastal African States, in implementing the Convention, and urges States, intergovernmental organizations and agencies, national institutions, non-governmental organizations and international financial institutions, as well as natural and juridical persons, to make voluntary financial or other contributions to the trust funds, as referred to in resolution 57/141, established for this purpose;

23. *Acknowledges* the importance of capacity-building for developing States, in particular the least developed countries and small island developing States, as well as coastal African States, for the protection of the marine environment and the conservation and sustainable use of marine resources;

24. *Recognizes* that promoting the voluntary transfer of technology is an essential aspect of building capacity in marine science;

25. *Encourages* States to use the Criteria and Guidelines on the Transfer of Marine Technology adopted by the Assembly of the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization,[19] and recalls the important role of the secretariat of that Commission in the implementation and promotion of the Criteria and Guidelines;

26. *Notes with satisfaction* the efforts of the Division to compile information on capacity-building initiatives, requests the Secretary-General to regularly update such information provided by States, international organizations and donor agencies and include it in his annual report to the General Assembly, invites States, international organizations and donor agencies to submit such information to the Secretary-General for this purpose, and requests the Division to post the information on capacity-building initiatives from the Secretary-General's annual report on the website of the Division in an easily accessible manner so as to facilitate the matching of capacity-building needs with opportunities;

27. *Calls upon* States to continue to assist developing States, and especially the least developed countries and small island developing States, as well as coastal African States, at the bilateral and, where appropriate, multilateral levels, in the preparation of submissions to the Commission regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles, including the assessment of the nature and extent of the continental shelf of a coastal State, and recalls that coastal States can make requests to the Commission for scientific and technical advice in the preparation of data for their submissions, in accordance with article 3 of annex II to the Convention;

28. *Calls upon* the Division to continue to disseminate information on relevant procedures related to the trust fund established for the purpose of facilitating the preparation of submissions to the Commission and to continue its dialogue with potential beneficiaries with a view to providing financial support to developing countries for activities to facilitate their submissions in accordance with the requirements of article 76 of the Convention and with the rules of procedure[20] and the Scientific and Technical Guidelines of the Commission;[21]

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[19] See Intergovernmental Oceanographic Commission, document IOC/INF-1203.

[20] CLCS/40/Rev.1.

[21] CLCS/11 and Corr.1 and Add.1 and Add.1/Corr.1.

29. *Requests* the Secretary-General, in cooperation with States and relevant international organizations and institutions, to continue to support training and other activities to assist developing States in the preparation and presentation of their submissions to the Commission;

30. *Notes with appreciation* the regional workshop of the Tribunal, held in Nadi, Fiji, from 17 to 18 August 2010, on the role of the Tribunal in the settlement of disputes relating to the law of the sea;

31. *Invites* Member States and others in a position to do so to support the capacity-building activities of the Division, including, in particular, the training and other activities to assist developing States in the preparation of their submissions to the Commission, and invites Member States and others in a position to do so to contribute to the trust fund established by the Secretary-General for the Office of Legal Affairs to support the promotion of international law;

32. *Recognizes with appreciation* the important contribution of the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea to the capacity-building of developing countries and the promotion of the law of the sea, notes that the twenty-third award was only made possible in 2010 thanks to the generous contribution, on an exceptional basis, by the Legal Counsel from the Voluntary Trust Fund for the Office of Legal Affairs to Support the Promotion of International Law, reiterates therefore its serious concern regarding the continued lack of resources, appeals urgently to Member States and others in a position to do so to contribute generously to the further development of the Fellowship to ensure that it is awarded every year, and takes due note of the inclusion by the Secretary-General of the Fellowship on the list of trust funds for the United Nations Pledging Conference for Development Activities;

33. *Also recognizes with appreciation* the important contribution that the United Nations-Nippon Foundation of Japan Fellowship Programme, which, relying on its network of host institutions, has awarded sixty fellowships to individuals from forty-seven Member States since 2005, and held in May 2010 a second regional alumni meeting, has made to human resources development for developing Member States in the field of ocean affairs and the law of the sea and related disciplines and the promotion of holistic and cross-sectoral approaches, emphasizing the integration of physical and social sciences and promoting interlinkages among alumni and between their organizations;

34. *Recognizes with appreciation* the funding recently set aside by the Global Environment Facility for projects relating to oceans and marine biodiversity;

III
Meeting of States Parties

35. *Welcomes* the report of the twentieth Meeting of States Parties to the Convention;[5]

36. *Requests* the Secretary-General to convene the twenty-first Meeting of States Parties to the Convention in New York from 13 to 17 June 2011, and to provide the services required;

IV
Peaceful settlement of disputes

37. *Notes with satisfaction* the continued and significant contribution of the Tribunal to the settlement of disputes by peaceful means in accordance with Part XV of the Convention, and underlines the important role and authority of the Tribunal concerning the interpretation or application of the Convention and the Part XI Agreement;

38. *Pays tribute* to the important and long-standing role of the International Court of Justice with regard to the peaceful settlement of disputes concerning the law of the sea;

39. *Notes* that States Parties to an international agreement related to the purposes of the Convention may submit to, inter alia, the Tribunal or the International Court of Justice any dispute concerning the interpretation or application of that agreement submitted in accordance with that agreement, and notes also the possibility, provided for in the statutes of the Tribunal and the Court, to submit disputes to a chamber;

40. *Encourages* States Parties to the Convention that have not yet done so to consider making a written declaration choosing from the means set out in article 287 of the Convention for the settlement of disputes concerning the interpretation or application of the Convention and the Part XI Agreement, bearing in mind the comprehensive character of the dispute settlement mechanism provided for in Part XV of the Convention;

41. *Notes* the recent referral to the Tribunal of a case concerning the delimitation of a maritime boundary;

V
The Area

42. *Welcomes* the adoption at the sixteenth session of the Authority of the regulations for prospecting and exploration for polymetallic sulphides, encourages progress on the finalization of the regulations for prospecting and exploration for cobalt-rich ferromanganese crusts in the Area, and reiterates the importance of the ongoing elaboration by the Authority, pursuant to article 145 of the Convention, of rules, regulations and procedures to ensure the effective protection of the marine environment, for, inter alia, the protection and conservation of the natural resources of the Area, and for the prevention of damage to the flora and fauna of the marine environment from harmful effects that may arise from activities in the Area;

43. *Acknowledges* the decision of the Council of the Authority to request an advisory opinion pursuant to article 191 of the Convention on the responsibilities and obligations of States with respect to sponsorship of activities in the Area, and acknowledges the considerable participation in the written and oral proceedings before the Seabed Dispute Chamber of the Tribunal regarding the advisory opinion;

44. *Notes* the importance of the responsibilities entrusted to the Authority by articles 143 and 145 of the Convention, which refer to marine scientific research and protection of the marine environment, respectively;

VI
Effective functioning of the Authority and the Tribunal

45. *Appeals* to all States Parties to the Convention to pay their assessed contributions to the Authority and to the Tribunal in full and on time, and also appeals to States Parties in arrears with their contributions to fulfil their obligations without delay;

46. *Urges* all States Parties to the Convention to attend the sessions of the Authority, and calls upon the Authority to continue to pursue all options, including making concrete recommendations on the issue of dates, in order to improve attendance in Kingston and to ensure global participation;

47. *Calls upon* States that have not done so to consider ratifying or acceding to the Agreement on the Privileges and Immunities of the Tribunal[22] and to the Protocol on the Privileges and Immunities of the Authority;[23]

48. *Emphasizes* the importance of the Tribunal's rules and staff regulations in promoting the recruitment of a geographically representative staff in the Professional and higher categories, and welcomes the actions taken by the Tribunal in observance of those rules and regulations;

VII
The continental shelf and the work of the Commission

49. *Recalls* that, in accordance with article 76, paragraph 8, of the Convention, information on the limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured shall be submitted by the coastal State to the Commission set up under annex II to the Convention on the basis of equitable geographical representation, that the Commission shall make recommendations to coastal States on matters related to the establishment of the outer limits of their continental shelf, and that the limits of the shelf established by a coastal State on the basis of these recommendations shall be final and binding;

50. *Also recalls* that, in accordance with article 77, paragraph 3, of the Convention, the rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation;

51. *Notes with satisfaction* that a considerable number of States Parties to the Convention have submitted information to the Commission regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles, in conformity with article 76 of the Convention and article 4 of annex II to the Convention, taking into account the decision of the eleventh Meeting of States Parties to the Convention contained in SPLOS/72, paragraph (a);

52. *Also notes with satisfaction* that a considerable number of States Parties to the Convention have submitted to the Secretary-General, pursuant to the decision of the eighteenth Meeting of States Parties to the Convention,[24] preliminary information indicative of the outer limits of the continental shelf beyond 200 nautical miles and a description of the status of preparation and intended date of

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[22] United Nations, *Treaty Series*, vol. 2167, No. 37925.

[23] Ibid., vol. 2214, No. 39357.

[24] SPLOS/183, para. 1 (a).

submission in accordance with the requirements of article 76 of the Convention and with the rules of procedure and the Scientific and Technical Guidelines of the Commission;

53. *Further notes* with satisfaction the progress in the work of the Commission[25] and that it is giving current consideration to a number of submissions that have been made regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles;

54. *Notes with satisfaction* that the Commission, taking into account the decision of the eighteenth Meeting of States Parties to the Convention,[26] has compiled lists of websites of organizations, data/information portals and data holders where general information and publicly available scientific and technical data can be accessed that may be relevant to the preparation of submissions, and has made this information available on its website;[27]

55. *Takes note* of the recommendations made by the Commission on the submissions of a number of coastal States, and welcomes the fact that summaries of recommendations are being made publicly available;[9]

56. *Notes* that the consideration by the Commission of submissions by coastal States in accordance with article 76 of and annex II to the Convention is without prejudice to the application of other parts of the Convention by States Parties;

57. *Notes with concern* that the heavy workload of the Commission, owing to the considerable number of submissions, places additional demands on and challenges before its members and the secretariat as provided by the Division, and in that regard emphasizes the need to ensure that the Commission can perform its functions expeditiously, efficiently and effectively and maintain its high level of quality and expertise;

58. *Takes note with satisfaction* of the decision of the twentieth Meeting of States Parties to the Convention regarding the workload of the Commission,[12] which requests the Commission to consider adopting measures as appropriate on an urgent and priority basis, as contained in paragraph 1 of the decision;

59. *Welcomes* the decision of the Meeting of States Parties to continue to consider the issue of the workload of the Commission, including through its Informal Working Group facilitated by the Bureau of the Meeting of States Parties, in particular to assess further measures that may be necessary, including, inter alia, the possibility of a full-time Commission, and for the Informal Working Group to make recommendations to the twenty-first Meeting of States Parties in 2011;

60. *Welcomes also* the decision of the meeting of States Parties to make an assessment in 2011 of the progress achieved, with a view to considering what measures beyond 2012 may be required to help to reduce the projected timeline in the workload of the Commission;

61. *Reiterates* the duty of States under the Convention, whose experts are serving on the Commission, to defray the expenses of the experts they have

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[25] See CLCS/66 and CLCS/68.

[26] SPLOS/183, para. 3.

[27] www.un.org/depts/los/clcs_new/clcs_home.htm.

nominated while in performance of Commission duties, and urges these States to do their utmost to ensure the full participation of those experts in the work of the Commission, including the meetings of subcommissions, in accordance with the Convention;

62. *Requests* the Secretary-General to continue to take appropriate measures, within overall existing resource levels, to further strengthen the capacity of the Division, serving as the secretariat of the Commission, in order to ensure enhanced support and assistance to the Commission and its subcommissions in their consideration of submissions, as required by paragraph 9 of annex III to the rules of procedure of the Commission, in particular its human resources taking into account the need for simultaneous work on several submissions;

63. *Urges* the Secretary-General to continue to provide all necessary secretariat services to the Commission in accordance with article 2, paragraph 5, of annex II to the Convention;

64. *Encourages* States to participate actively in and contribute constructively to the ongoing work of the Informal Working Group considering the issues related to the workload of the Commission;

65. *Requests* the Secretary-General to provide, at the request of the Coordinator of the Informal Working Group, information on the standard costs as well as financial and other implications of all options or proposals under consideration in the Informal Working Group;

66. *Expresses* its appreciation to States that have made contributions to the voluntary trust fund established by resolution 55/7 for the purpose of facilitating the preparation of submissions to the Commission and to the voluntary trust fund also established by that resolution for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission, and encourages States to make additional contributions to these funds;

67. *Approves* the convening by the Secretary-General of the twenty-seventh and twenty-eighth sessions of the Commission, in New York from 7 March to 21 April 2011 and from 1 August to 2 September 2011, respectively, with full conference services for the plenary parts of these sessions,[28] and requests the Secretary-General to make every effort to meet these requirements within overall existing resources, on the understanding that the following periods will be used for the technical examinations of submissions at the Geographic Information System laboratories and other technical facilities of the Division: 7 to 25 March 2011; 11 to 21 April 2011; 1 to 12 August 2011; and 29 August to 2 September 2011;

68. *Expresses its firm conviction* about the importance of the work of the Commission, carried out in accordance with the Convention, including with respect to the participation of coastal States in relevant proceedings concerning their submissions, and recognizes the continued need for active interaction between coastal States and the Commission;

69. *Expresses* its appreciation to States that have exchanged views in order to increase understanding of issues, including expenditures involved, arising from the application of article 76 of the Convention, thus facilitating the preparation of

[28] From 28 March to 8 April 2011 and from 15 to 26 August 2011.

submissions by States, in particular developing States, to the Commission, and encourages States to continue exchanging views;

70. *Notes* the number of submissions yet to be considered by the Commission, and in this regard stresses the urgent need for States Parties to the Convention to take appropriate and prompt steps that will allow the Commission to consider the increased number of submissions in a timely, efficient and effective manner;

71. *Requests* the Secretary-General, in cooperation with Member States, to continue supporting workshops or symposiums on scientific and technical aspects of the establishment of the outer limits of the continental shelf beyond 200 nautical miles, taking into account the need to strengthen capacity-building for developing countries in preparing their submissions;

VIII
Maritime safety and security and flag State implementation

72. *Encourages* States to ratify or accede to international agreements addressing the safety and security of navigation, as well as maritime labour, and to adopt the necessary measures consistent with the Convention and other relevant international instruments aimed at implementing and enforcing the rules contained in those agreements, and emphasizes the need for capacity-building for and assistance to developing States;

73. *Recognizes* that the legal regimes governing maritime safety and maritime security may have common and mutually reinforcing objectives that may be interrelated and could benefit from synergies, and encourages States to take this into account in their implementation;

74. *Emphasizes* the need for further efforts to promote a culture of safety and security in the shipping industry and to address the shortage of adequately trained personnel, and urges the establishment of more centres to provide the required education and training;

75. *Emphasizes also* that safety and security measures should be implemented with minimal negative effects on seafarers and fishers, especially in relation to their working conditions;

76. *Notes* that a conference of the parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978,[29] held in Manila from 21 to 25 June 2010, amended that Convention, and designated 25 June as the Day of the Seafarer;

77. *Invites* States that have not yet done so to ratify or accede to the Maritime Labour Convention, 2006, the Work in Fishing Convention, 2007 (No. 188) and the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185) of the International Labour Organization and to effectively implement those Conventions, and emphasizes the need to provide to States, at their request, technical cooperation and assistance in that regard;

78. *Welcomes* ongoing cooperation between the Food and Agriculture Organization of the United Nations, the International Maritime Organization and the

[29] United Nations, *Treaty Series*, vol. 1361, No. 23001.

International Labour Organization relating to the safety of fishers and fishing vessels, underlines the urgent need for continued work in that area, and takes note of the decision to develop guidelines on best practices for safety at sea taken at the 2009 meeting of the Committee on Fisheries of the Food and Agriculture Organization of the United Nations;

79. *Encourages* continued cooperation between the parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal[30] and the International Maritime Organization on regulations on the prevention of pollution from ships;

80. *Notes* the adoption by the International Conference on the Revision of the Hazardous and Noxious Substances Convention, held in London from 26 to 30 April 2010, of the Protocol to the 1996 International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, and encourages States to consider becoming parties to the Protocol;

81. *Recalls* that all actions taken to combat threats to maritime security must be in accordance with international law, including the principles embodied in the Charter and the Convention;

82. *Recognizes* the crucial role of international cooperation at the global, regional, subregional and bilateral levels in combating, in accordance with international law, threats to maritime security, including piracy, armed robbery at sea, terrorist acts against shipping, offshore installations and other maritime interests, through bilateral and multilateral instruments and mechanisms aimed at monitoring, preventing and responding to such threats, the enhanced sharing of information among States relevant to the detection, prevention and suppression of such threats, and the prosecution of offenders with due regard to national legislation, and the need for sustained capacity-building to support such objectives;

83. *Notes* that piracy affects the entire range of vessels engaged in maritime activities;

84. *Emphasizes* the importance of promptly reporting incidents to enable accurate information on the scope of the problem of piracy and armed robbery against ships and, in the case of armed robbery against ships, by affected vessels to the coastal State, underlines the importance of effective information-sharing with States potentially affected by incidents of piracy and armed robbery against ships, and takes note of the important role of the International Maritime Organization;

85. *Urges* all States, in cooperation with the International Maritime Organization, to actively combat piracy and armed robbery at sea by adopting measures, including those relating to assistance with capacity-building through training of seafarers, port staff and enforcement personnel in the prevention, reporting and investigation of incidents, bringing the alleged perpetrators to justice, in accordance with international law, and by adopting national legislation, as well as providing enforcement vessels and equipment and guarding against fraudulent ship registration;

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[30] Ibid., vol. 1673, No. 28911.

86. *Encourages* States to ensure effective implementation of international law applicable to combating piracy, as reflected in the Convention, and calls upon States to take appropriate steps under their national law to facilitate the apprehension and prosecution of those who are alleged to have committed acts of piracy, also taking into account other relevant instruments that are consistent with the Convention;

87. *Invites* all States, the International Maritime Organization and the International Labour Organization to consider possible solutions for the seafarers and fishers who are victims of pirates;

88. *Takes note* of the ongoing cooperation between the International Maritime Organization, the United Nations Office on Drugs and Crime and the Division with respect to the compilation of national legislation on piracy, and notes that copies of national legislation received by the Secretariat have been placed on the website of the Division;

89. *Encourages* continued national, bilateral and trilateral initiatives as well as regional cooperative mechanisms to address piracy and armed robbery at sea in the Asian region, and calls upon other States to give immediate attention to adopting, concluding and implementing cooperation agreements at the regional level on combating piracy and armed robbery against ships;

90. *Reiterates its serious concern* regarding continued incidents of piracy and armed robbery at sea off the coast of Somalia, expresses alarm in particular at the hijacking of vessels, supports the recent efforts to address this problem at the global and regional levels, notes the adoption by the Security Council of resolutions 1816 (2008) of 2 June 2008, 1838 (2008) of 7 October 2008, 1846 (2008) of 2 December 2008, 1851 (2008) of 16 December 2008, 1897 (2009) of 30 November 2009 and 1918 (2010) of 27 April 2010, as well as the presidential statement of the Security Council of 25 August 2010,[31] and also notes that the authorization in resolution 1816 (2008) and the provisions in resolutions 1838 (2008), 1846 (2008), 1851 (2008) and 1897 (2009) apply only to the situation in Somalia and do not affect the rights, obligations or responsibilities of Member States under international law, including any rights or obligations under the Convention, with respect to any other situation, and underscores, in particular, the fact that they are not to be considered as establishing customary international law;

91. *Notes with appreciation* the report of the Secretary-General of 26 July 2010,[32] prepared pursuant to the request of the Security Council in resolution 1918 (2010);

92. *Notes* the continued efforts within the Contact Group on Piracy off the Coast of Somalia, following the adoption of Security Council resolution 1851 (2008), and commends contributions of all States in the efforts to fight piracy off the coast of Somalia;

93. *Recognizes* the primary role of the Transitional Federal Government of Somalia in combating piracy and armed robbery against ships, acknowledges the importance of a comprehensive and sustainable settlement of the situation in Somalia, and emphasizes the need to address the root causes of piracy and to assist

[31] S/PRST/2010/16.

[32] S/2010/394.

Somalia and States in the region in strengthening institutional capacity to fight piracy and armed robbery against ships off the coast of Somalia, and to bring to justice those involved in such acts;

94. *Notes* the approval by the International Maritime Organization of revised recommendations to Governments for preventing and suppressing piracy and armed robbery against ships,[33] revised guidance to shipowners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships[34] and the Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery against Ships;[35]

95. *Invites* the Assembly of the International Maritime Organization to consider adopting a resolution on commitments to best management practices to avoid, deter or delay acts of piracy;

96. *Recalls* the adoption on 29 January 2009 of the Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden (Djibouti Code of Conduct)[36] under the auspices of the International Maritime Organization, the establishment of the International Maritime Organization Djibouti Code Trust Fund, a multi-donor trust fund initiated by Japan, and the ongoing activities for the implementation of the Code of Conduct;

97. *Urges* States to ensure the full implementation of resolution A.1026(26) of the International Maritime Organization on acts of piracy and armed robbery against ships in waters off the coast of Somalia;

98. *Calls upon* States that have not yet done so to become parties to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf,[37] notes the entry into force on 28 July 2010 of the 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and of the 2005 Protocol to the 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, invites States to consider becoming parties to those Protocols,[38] and urges States Parties to take appropriate measures to ensure the effective implementation of those instruments through the adoption of legislation, where appropriate;

99. *Calls upon* States to effectively implement the International Ship and Port Facility Security Code and the amendments to the International Convention for the Safety of Life at Sea,[39] and to work with the International Maritime Organization to promote safe and secure shipping while ensuring freedom of navigation;

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[33] See International Maritime Organization, document MSC.1/Circ.1333, annex.

[34] See International Maritime Organization, document MSC.1/Circ.1334, annex.

[35] International Maritime Organization, Assembly resolution A.1025(26).

[36] See International Maritime Organization, document C 102/14, annex, attachment 1.

[37] United Nations, *Treaty Series*, vol. 1678, No. 29004.

[38] International Maritime Organization, documents LEG/CONF.15/21 and 22.

[39] International Maritime Organization, documents SOLAS/CONF.5/32 and 34, as well as resolution MSC.202(81) introducing the long-range identification and tracking of ships system.

100. *Urges* all States, in cooperation with the International Maritime Organization, to improve the protection of offshore installations by adopting measures related to the prevention, reporting and investigation of acts of violence against installations, in accordance with international law, and by implementing such measures through national legislation to ensure proper and adequate enforcement;

101. *Emphasizes* the progress in regional cooperation, including the efforts of littoral States, on the enhancement of safety, security and environmental protection in the Straits of Malacca and Singapore, and the effective functioning of the Cooperative Mechanism on safety of navigation and environmental protection to promote dialogue and facilitate close cooperation between the littoral States, user States, shipping industry and other stakeholders in line with article 43 of the Convention, notes with appreciation the convening of the third Cooperation Forum and third Project Coordination Committee meeting, held in Yogyakarta, Indonesia, from 6 to 8 October 2010, and the fifth Aids to Navigation Fund Committee meeting, held in Malaysia on 11 and 12 October 2010, the three events being key pillars of the Cooperative Mechanism, notes with appreciation the important role of the Information Sharing Centre of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia, based in Singapore, and calls upon States to give immediate attention to adopting, concluding and implementing cooperation agreements at the regional level;

102. *Recognizes* that some transnational organized criminal activities threaten legitimate uses of the oceans and endanger the lives of people at sea;

103. *Notes* that transnational organized criminal activities are diverse and may be interrelated in some cases and that criminal organizations are adaptive and take advantage of the vulnerabilities of States, in particular coastal and small island developing States in transit areas, and calls upon States and relevant intergovernmental organizations to increase cooperation and coordination at all levels to detect and suppress the smuggling of migrants and trafficking in persons, in accordance with international law;

104. *Recognizes* the importance of enhancing international cooperation at all levels to fight transnational organized criminal activities, including illicit traffic in narcotic drugs and psychotropic substances, within the scope of the United Nations instruments against illicit drug trafficking, as well as the smuggling of migrants and trafficking in persons and criminal activities at sea falling within the scope of the United Nations Convention against Transnational Organized Crime;[40]

105. *Calls upon* States that have not yet done so to become parties to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,[41] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[42] and to take appropriate measures to ensure their effective implementation;

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[40] United Nations, *Treaty Series*, vol. 2225, No. 39574.

[41] Ibid., vol. 2241, No. 39574.

[42] Ibid., vol. 2237, No. 39574.

106. *Calls upon* States to ensure freedom of navigation, the safety of navigation and the rights of transit passage, archipelagic sea lanes passage and innocent passage in accordance with international law, in particular the Convention;

107. *Welcomes* the work of the International Maritime Organization relating to the protection of shipping lanes of strategic importance and significance, and in particular in enhancing safety, security and environmental protection in straits used for international navigation, and calls upon the International Maritime Organization, States bordering straits and user States to continue their cooperation to keep such straits safe, secure and environmentally protected and open to international navigation at all times, consistent with international law, in particular the Convention;

108. *Calls upon* user States and States bordering straits used for international navigation to continue to cooperate by agreement on matters relating to navigational safety, including safety aids for navigation, and the prevention, reduction and control of pollution from ships, and welcomes developments in this regard;

109. *Calls upon* States that have accepted the amendments to regulation XI-1/6 of the International Convention for the Safety of Life at Sea, 1974,[43] to implement the Code of International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident,[44] which took effect on 1 January 2010;

110. *Calls upon* States to consider becoming members of the International Hydrographic Organization, and urges all States to work with that organization to increase the coverage of hydrographic information on a global basis to enhance capacity-building and technical assistance and to promote safe navigation, especially in areas used for international navigation, in ports and where there are vulnerable or protected marine areas;

111. *Encourages* States to continue their efforts in the implementation of all areas of the Action Plan for the Safety of Transport of Radioactive Material, approved by the Board of Governors of the International Atomic Energy Agency in March 2004;[45]

112. *Notes* that cessation of the transport of radioactive materials through the regions of small island developing States is an ultimate desired goal of small island developing States and some other countries, and recognizes the right of freedom of navigation in accordance with international law; that States should maintain dialogue and consultation, in particular under the auspices of the International Atomic Energy Agency and the International Maritime Organization, with the aim of improved mutual understanding, confidence-building and enhanced communication in relation to the safe maritime transport of radioactive materials; that States involved in the transport of such materials are urged to continue to engage in dialogue with small island developing States and other States to address their concerns; and that these concerns include the further development and strengthening, within the appropriate forums, of international regulatory regimes to enhance safety, disclosure, liability, security and compensation in relation to such transport;

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[43] International Maritime Organization, document MSC 84/24/Add.1, annex 3, resolution MSC.257(84).

[44] See International Maritime Organization, document MSC 84/24/Add.1, annex 1, resolution MSC.255(84).

[45] Available from www.ns.iaea.org/downloads/rw/action-plans/transport-action-plan.pdf.

113. *Acknowledges*, in the context of paragraph 112 above, the potential environmental and economic impacts of maritime incidents and accidents on coastal States, in particular those related to the transport of radioactive materials, and emphasizes the importance of effective liability regimes in that regard;

114. *Encourages* States to draw up plans and to establish procedures to implement the Guidelines on Places of Refuge for Ships in Need of Assistance;[46]

115. *Invites* States that have not yet done so to consider becoming parties to the Nairobi International Convention on the Removal of Wrecks, 2007;[47]

116. *Requests* States to take appropriate measures with regard to ships flying their flag or of their registry to address hazards that may be caused by wrecks and drifting or sunken cargo to navigation or the marine environment;

117. *Calls upon* States to ensure that masters on ships flying their flag take the steps required by relevant instruments[48] to provide assistance to persons in distress at sea, and urges States to cooperate and to take all necessary measures to ensure the effective implementation of the amendments to the International Convention on Maritime Search and Rescue[49] and to the International Convention for the Safety of Life at Sea[50] relating to the delivery of persons rescued at sea to a place of safety, as well as of the associated Guidelines on the Treatment of Persons Rescued at Sea;[51]

118. *Recognizes* that all States must fulfil their search and rescue responsibilities and the ongoing need for the International Maritime Organization and other relevant organizations to assist, in particular, developing States both to increase their search and rescue capabilities, including through the establishment of additional rescue coordination centres and regional sub-centres, and to take effective action to address, to the extent feasible, the issue of unseaworthy ships and small craft within their national jurisdiction;

119. *Welcomes* the ongoing work of the International Maritime Organization in relation to disembarkation of persons rescued at sea, and notes in this regard the need to implement all relevant international instruments;

120. *Calls upon* States to continue to cooperate in developing comprehensive approaches to international migration and development, including through dialogue on all their aspects;

121. *Calls upon* States to take measures to protect fibre optic submarine cables and to fully address issues relating to these cables, in accordance with international law, as reflected in the Convention, encourages greater dialogue and cooperation among States and the relevant regional and global organizations to promote the security of such critical communications infrastructure and, in this regard,

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[46] International Maritime Organization, Assembly resolution A.949(23).

[47] International Maritime Organization, document LEG/CONF.16/19.

[48] The International Convention for the Safety of Life at Sea, 1974, the International Convention on Maritime Search and Rescue, 1979, as amended, the United Nations Convention on the Law of the Sea, 1982, and the International Convention on Salvage, 1989.

[49] International Maritime Organization, document MSC 78/26/Add.1, annex 5, resolution MSC.155(78).

[50] International Maritime Organization, document MSC 78/26/Add.1, annex 3, resolution MSC.153(78).

[51] International Maritime Organization, document MSC 78/26/Add.2, annex 34, resolution MSC.167(78).

notes the attention given to this matter in the Okinawa Declaration of the eighth Asia-Pacific Economic Cooperation ministerial meeting on the telecommunications and information industry, held in Okinawa, Japan, on 30 and 31 October 2010;

122. *Reaffirms* that flag, port and coastal States all bear responsibility for ensuring the effective implementation and enforcement of international instruments relating to maritime security and safety, in accordance with international law, in particular the Convention, and that flag States have primary responsibility that requires further strengthening, including through increased transparency of ownership of vessels;

123. *Urges* flag States without an effective maritime administration and appropriate legal frameworks to establish or enhance the necessary infrastructure, legislative and enforcement capabilities to ensure effective compliance with, and implementation and enforcement of, their responsibilities under international law, in particular the Convention, and, until such action is taken, to consider declining the granting of the right to fly their flag to new vessels, suspending their registry or not opening a registry, and calls upon flag and port States to take all measures consistent with international law necessary to prevent the operation of substandard vessels;

124. *Recognizes* that international shipping rules and standards adopted by the International Maritime Organization in respect of maritime safety, efficiency of navigation and the prevention and control of marine pollution, complemented by best practices of the shipping industry, have led to a significant reduction in maritime accidents and pollution incidents, encourages all States to participate in the Voluntary International Maritime Organization Member State Audit Scheme, and notes the decision of the International Maritime Organization on a phased-in introduction of the Organization's Audit Scheme as an institutionalized process;[52]

125. *Notes* the work of the International Maritime Organization to develop a mandatory code for ships operating in polar waters, and encourages States and competent international organizations and bodies to contribute to this work through participation in the relevant committees and processes of the International Maritime Organization;

126. *Recognizes* that maritime safety can also be improved through effective port State control, the strengthening of regional arrangements and increased coordination and cooperation among them, and increased information-sharing, including among safety and security sectors;

127. *Encourages* flag States to take appropriate measures sufficient to achieve or maintain recognition by intergovernmental arrangements that recognize satisfactory flag State performance, including, as appropriate, satisfactory port State control examination results on a sustained basis, with a view to improving quality shipping and furthering flag State implementation of relevant instruments under the International Maritime Organization as well as relevant goals and objectives of the present resolution;

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[52] International Maritime Organization, Assembly resolution A.1018(26).

IX
Marine environment and marine resources

128. *Emphasizes once again* the importance of the implementation of Part XII of the Convention in order to protect and preserve the marine environment and its living marine resources against pollution and physical degradation, and calls upon all States to cooperate and take measures consistent with the Convention, directly or through competent international organizations, for the protection and preservation of the marine environment;

129. *Notes* the work of the Intergovernmental Panel on Climate Change, including its findings on the acidification of oceans, and in this regard encourages States and competent international organizations and other relevant institutions, individually and in cooperation, to urgently pursue further research on ocean acidification, especially programmes of observation and measurement, noting in particular paragraph 4 of decision IX/20 adopted at the ninth meeting of the Conference of the Parties to the Convention on Biological Diversity, held in Bonn, Germany, from 19 to 30 May 2008,[53] and the continued work of the Convention on Biological Diversity, and to increase national, regional and international efforts to address levels of ocean acidity and the negative impact of such acidity on vulnerable marine ecosystems, particularly coral reefs;

130. *Encourages* States, individually or in collaboration with relevant international organizations and bodies, to enhance their scientific activity to better understand the effects of climate change on the marine environment and marine biodiversity and develop ways and means of adaptation;

131. *Also encourages* States that have not yet done so to become parties to international agreements addressing the protection and preservation of the marine environment and its living marine resources against the introduction of harmful aquatic organisms and pathogens and marine pollution from all sources, including the dumping of wastes and other matter, and other forms of physical degradation, as well as agreements that provide for preparedness for, response to and cooperation on pollution incidents and that include provisions on liability and compensation for damage resulting from marine pollution, and to adopt the necessary measures consistent with international law, including the Convention, aimed at implementing and enforcing the rules contained in those agreements;

132. *Further encourages* States, directly or through competent international organizations, to consider the further development, as appropriate and consistent with international law, including the Convention, of environmental impact assessment processes covering planned activities under their jurisdiction or control that may cause substantial pollution of, or significant and harmful changes to, the marine environment;

133. *Encourages* States that have not done so to become parties to regional seas conventions addressing the protection and preservation of the marine environment;

134. *Also encourages* States, in accordance with international law, including the Convention and other relevant instruments, either bilaterally or regionally, to jointly develop and promote contingency plans for responding to pollution

[53] See UNEP/CBD/COP/9/29, annex I.

incidents, as well as other incidents that are likely to have significant adverse effects on the marine environment and biodiversity;

135. *Recognizes* the importance of improving understanding of the impact of climate change on oceans and seas;

136. *Welcomes* the activities of the United Nations Environment Programme relating to marine debris carried out in cooperation with relevant United Nations bodies and organizations, and encourages States to further develop partnerships with industry and civil society to raise awareness of the extent of the impact of marine debris on the health and productivity of the marine environment and consequent economic loss;

137. *Urges* States to integrate the issue of marine debris into national strategies dealing with waste management in the coastal zone, ports and maritime industries, including recycling, reuse, reduction and disposal, and to encourage the development of appropriate economic incentives to address this issue, including the development of cost recovery systems that provide an incentive to use port reception facilities and discourage ships from discharging marine debris at sea, and support for measures to prevent, reduce and control pollution from any source, including land-based sources, such as community-based coastal and waterway clean-up and monitoring activities, and encourages States to cooperate regionally and subregionally to identify potential sources and coastal and oceanic locations where marine debris aggregates, and to develop and implement joint prevention and recovery programmes for marine debris;

138. *Notes* the work of the International Maritime Organization to prevent pollution by garbage from ships, including the current review by the Marine Environment Protection Committee of the provisions of annex V to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, on the prevention of pollution by garbage from ships, and encourages States and relevant international organizations to contribute to this work through participation in the relevant processes of the Committee;

139. *Takes note* of the adoption of amendments regarding special requirements for the use or carriage of oils in the Antarctic area to annex I to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, on the prevention of pollution by oil from ships, which prohibit the carriage in bulk as cargo or carriage and use as fuel of heavy grade oils in the Antarctic area;[54]

140. *Encourages* States that have not done so to become parties to the Protocol of 1997 (Annex VI — Regulations for the Prevention of Air Pollution from Ships) to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 ("the London Protocol"), and furthermore to ratify or accede to the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004,[55] thereby facilitating its early entry into force;

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[54] International Maritime Organization, document MEPC 60/22/Add.1 annex 10, resolution MEPC 189(60).

[55] International Maritime Organization, document BWM/CONF/36, annex.

141. *Welcomes* the entry into force on 1 July 2010 of the amendments to the Protocol of 1997 to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, to reduce harmful emissions from ships;

142. *Notes* the ongoing work of the International Maritime Organization in accordance with its resolution on International Maritime Organization policies and practices related to the reduction of greenhouse gas emissions from ships;[56]

143. *Urges* States to cooperate in correcting the shortfall in port waste reception facilities in accordance with the action plan to address the inadequacy of port waste reception facilities developed by the International Maritime Organization;[57]

144. *Recognizes* that most of the pollution load of the oceans emanates from land-based activities and affects the most productive areas of the marine environment, and calls upon States as a matter of priority to implement the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities[58] and to take all appropriate measures to fulfil the commitments of the international community embodied in the Beijing Declaration on Furthering the Implementation of the Global Programme of Action;[59]

145. *Expresses its concern* regarding the spreading of hypoxic dead zones in oceans as a result of eutrophication fuelled by riverine run-off of fertilizers, sewage outfall and reactive nitrogen resulting from the burning of fossil fuels and resulting in serious consequences for ecosystem functioning, and calls upon States to enhance their efforts to reduce eutrophication and, to this effect, to continue to cooperate within the framework of relevant international organizations, in particular the Global Programme of Action;

146. *Calls upon* all States to ensure that urban and coastal development projects and related land-reclamation activities are carried out in a responsible manner that protects the marine habitat and environment and mitigates the negative consequences of such activities;

147. *Notes* the first session of the Intergovernmental Negotiating Committee to prepare a global legally binding instrument on mercury, held in Stockholm from 7 to 11 June 2010, pursuant to the agreement of the twenty-fifth session of the United Nations Environment Programme Governing Council/Global Ministerial Environment Forum;[60]

148. *Welcomes* the continued work of States, the United Nations Environment Programme and regional organizations in the implementation of the Global Programme of Action, and encourages increased emphasis on the link between freshwater, the coastal zone and marine resources in the implementation of international development goals, including those contained in the United Nations Millennium Declaration,[8] and of the time-bound targets in the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg

[56] International Maritime Organization, Assembly resolution A.963(23).
[57] International Maritime Organization, document MEPC 53/9/1, annex 1.
[58] See A/51/116, annex II.
[59] UNEP/GPA/IGR.2/7, annex V.
[60] See UNEP/GC.25/17, annex I, decision 25/5.

Plan of Implementation"),[14] in particular the target on sanitation, and the Monterrey Consensus of the International Conference on Financing for Development;[61]

149. *Recalls* the resolution of the thirtieth Consultative Meeting of Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 ("the London Convention") and the third Meeting of Contracting Parties to the London Protocol, held from 27 to 31 October 2008, on the regulation of ocean fertilization,[62] in which the Contracting Parties agreed, inter alia, that the scope of the London Convention and Protocol includes ocean fertilization activities and that, given the present state of knowledge, ocean fertilization activities other than for legitimate scientific research should not be allowed, and that scientific research proposals should be assessed on a case-by-case basis using an assessment framework to be developed by the scientific groups under the London Convention and Protocol, and also agreed that, to this end, such other activities should be considered as contrary to the aims of the London Convention and Protocol and should not currently qualify for any exemption from the definition of dumping in article III, paragraph 1 (b), of the London Convention and article 1, paragraph 4.2, of the London Protocol;

150. *Notes* the resolution of the thirty-second Consultative Meeting of Contracting Parties to the London Convention and the fifth Meeting of Contracting Parties to the London Protocol, held from 11 to 15 October 2010, on the Assessment Framework for Scientific Research Involving Ocean Fertilization;[63]

151. *Recalls* decision IX/16 C adopted at the ninth meeting of the Conference of the Parties to the Convention on Biological Diversity,[64] in which the Conference of the Parties, inter alia, bearing in mind the ongoing scientific and legal analysis occurring under the auspices of the London Convention and Protocol requested parties and urged other Governments, in accordance with the precautionary approach, to ensure that ocean fertilization activities were not carried out until there was an adequate scientific basis on which to justify such activities, including an assessment of associated risks, and that a global, transparent and effective control and regulatory mechanism was in place for those activities, with the exception of small-scale scientific research studies within coastal waters, and stated that such studies should be authorized only if justified by the need to gather specific scientific data, should be subject to a thorough prior assessment of the potential impacts of the research studies on the marine environment, should be strictly controlled and should not be used for generating and selling carbon offsets or for any other commercial purposes, and notes decision X/29[65] adopted at the tenth meeting of the Conference of the Parties to the Convention on Biological Diversity, in which the Conference of the Parties requested parties to implement decision IX/16 C;

152. *Takes note* of the amendment to the London Protocol adopted by the fourth Meeting of Contracting Parties to the London Protocol, held in October 2009,

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[61] *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18-22 March 2002* (United Nations publication, Sales No. E.02.II.A.7), chap. I, resolution 1, annex.

[62] International Maritime Organization, document LC 30/16, annex 6, resolution LC-LP.1 (2008).

[63] Resolution LC-LP.2 (2010) of 14 October 2010.

[64] See UNEP/CBD/COP/9/29, annex I.

[65] Decision on marine and coastal biological diversity adopted on 29 October 2010.

to allow the export of carbon dioxide streams for disposal into sub-seabed geological formations;[66]

153. *Reaffirms* paragraph 119 of resolution 61/222 of 20 December 2006 regarding ecosystem approaches and oceans, including the proposed elements of an ecosystem approach, means to achieve implementation of an ecosystem approach and requirements for improved application of an ecosystem approach, and in this regard:

(a) Notes that continued environmental degradation in many parts of the world and increasing competing demands require an urgent response and the setting of priorities for management actions aimed at conserving ecosystem integrity;

(b) Notes that ecosystem approaches to ocean management should be focused on managing human activities in order to maintain and, where needed, restore ecosystem health to sustain goods and environmental services, provide social and economic benefits for food security, sustain livelihoods in support of international development goals, including those contained in the Millennium Declaration, and conserve marine biodiversity;

(c) Recalls that States should be guided in the application of ecosystem approaches by a number of existing instruments, in particular the Convention, which sets out the legal framework for all activities in the oceans and seas, and its implementing Agreements, as well as other commitments, such as those contained in the Convention on Biological Diversity[67] and the World Summit on Sustainable Development call for the application of an ecosystem approach by 2010;

(d) Encourages States to cooperate and coordinate their efforts and take, individually or jointly, as appropriate, all measures, in conformity with international law, including the Convention and other applicable instruments, to address impacts on marine ecosystems within and beyond areas of national jurisdiction, taking into account the integrity of the ecosystems concerned;

154. *Encourages* competent organizations and bodies that have not yet done so to incorporate an ecosystem approach into their mandates, as appropriate, in order to address impacts on marine ecosystems;

155. *Invites* States, in particular those States with advanced technology and marine capabilities, to explore prospects for improving cooperation with, and assistance to, developing States, in particular least developed countries and small island developing States, as well as coastal African States, with a view to better integrating into national policies and programmes sustainable and effective development in the marine sector;

156. *Encourages* the competent international organizations, the United Nations Development Programme, the World Bank and other funding agencies to consider expanding their programmes within their respective fields of competence for assistance to developing countries and to coordinate their efforts, including in the allocation and application of Global Environment Facility funding;

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[66] Resolution LP.3(4) on the Amendment to Article 6 of the London Protocol, adopted on 30 October 2009.

[67] United Nations, *Treaty Series*, vol. 1760, No. 30619.

157. *Notes* the information compiled by the Secretariat[68] in relation to the assistance available to and measures that may be taken by developing States, in particular the least developed countries and small island developing States, as well as coastal African States, to realize the benefits of sustainable and effective development of marine resources and uses of the oceans, as provided by States and competent international organizations and global and regional funding agencies, and urges them to provide further information for the annual report of the Secretary-General and for incorporation on the website of the Division;[69]

158. *Encourages* States to consider ratifying or acceding to the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009, to facilitate its early entry into force;[70]

159. *Takes note* of the role of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal[29] in protecting the marine environment against the adverse effects which may result from such wastes;

160. *Notes with concern* the potential for serious environmental consequences resulting from oil spill incidents;

X
Marine biodiversity

161. *Reaffirms* its central role relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, notes the work of States and relevant intergovernmental organizations and bodies on those issues, and invites them to contribute to its consideration of these issues within the areas of their respective competence;

162. *Welcomes* the meeting of the Ad Hoc Open-ended Informal Working Group convened in New York from 1 to 5 February 2010 in accordance with paragraph 146 of resolution 64/71, and endorses its recommendations;[71]

163. *Requests* the Secretary-General to convene, in accordance with paragraph 73 of resolution 59/24 and paragraphs 79 and 80 of resolution 60/30, with full conference services, a meeting of the Ad Hoc Open-ended Informal Working Group, to take place from 31 May to 3 June 2011, to provide recommendations to the General Assembly, and requests the Secretary-General to make every effort to meet the requirement for full conference services within existing resources;

164. *Encourages* the Ad Hoc Open-ended Informal Working Group to improve progress on all outstanding issues on its agenda;

165. *Notes* the discussion on the relevant legal regime on marine genetic resources in areas beyond national jurisdiction in accordance with the Convention, and calls upon States to further consider this issue in the context of the mandate of the Ad Hoc Open-ended Informal Working Group, taking into account the views of States on Parts VII and XI of the Convention, with a view to making further progress on this issue;

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[68] A/63/342.

[69] See www.un.org/Depts/los/general_assembly/study/study2008.htm.

[70] See International Maritime Organization, documents SR/CONF/45 and SR/CONF/46, attachment.

[71] See A/65/68, sect. I.

166. *Invites* States to further consider, at the upcoming meeting of the Ad Hoc Open-ended Informal Working Group, in the context of its mandate, issues of marine protected areas and environmental impact assessment processes;

167. *Requests* the Secretary-General to include, in the annual report on oceans and the law of the sea, information on environmental impact assessments undertaken with respect to planned activities in areas beyond national jurisdiction, including capacity-building needs, on the basis of information requested from States and competent international organizations;

168. *Recognizes* the abundance and diversity of marine genetic resources and their value in terms of the benefits, goods and services they can provide;

169. *Also recognizes* the importance of research on marine genetic resources for the purpose of enhancing the scientific understanding, potential use and application, and enhanced management of marine ecosystems;

170. *Encourages* States and international organizations, including through bilateral, regional and global cooperation programmes and partnerships, to continue in a sustainable and comprehensive way to support, promote and strengthen capacity-building activities, in particular in developing countries, in the field of marine scientific research, taking into account, in particular, the need to create greater taxonomic capabilities;

171. *Welcomes* the high-level meeting of the General Assembly as a contribution to the International Year of Biodiversity, held on 22 September 2010;

172. *Notes* the work under the Jakarta Mandate on Marine and Coastal Biological Diversity[72] and the Convention on Biological Diversity elaborated programme of work on marine and coastal biological diversity,[73] and, while reiterating the central role of the General Assembly relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, notes the work done by the Conference of the Parties to the Convention on Biological Diversity at its tenth meeting, held in Nagoya, Japan, from 18 to 20 October 2010;

173. *Reaffirms* the need for States, individually or through competent international organizations, to urgently consider ways to integrate and improve, based on the best available scientific information and the precautionary approach and in accordance with the Convention and related agreements and instruments, the management of risks to the marine biodiversity of seamounts, cold water corals, hydrothermal vents and certain other underwater features;

174. *Calls upon* States and international organizations to urgently take further action to address, in accordance with international law, destructive practices that have adverse impacts on marine biodiversity and ecosystems, including seamounts, hydrothermal vents and cold water corals;

175. *Notes* the work of the expert workshop of the Convention on Biological Diversity on scientific and technical aspects relevant to environmental impact assessment in marine areas beyond national jurisdiction, held in Manila from 18 to 20 November 2009;

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[72] See A/51/312, annex II, decision II/10.

[73] UNEP/CBD/COP/7/21, annex, decision VII/5, annex I.

176. *Calls upon* States to strengthen, in a manner consistent with international law, in particular the Convention, the conservation and management of marine biodiversity and ecosystems and national policies in relation to marine protected areas;

177. *Reaffirms* the need for States to continue and intensify their efforts, directly and through competent international organizations, to develop and facilitate the use of diverse approaches and tools for conserving and managing vulnerable marine ecosystems, including the possible establishment of marine protected areas, consistent with international law, as reflected in the Convention, and based on the best scientific information available, and the development of representative networks of any such marine protected areas by 2012;

178. *Notes* the work of States, relevant intergovernmental organizations and bodies, including the Convention on Biological Diversity, in the assessment of scientific information on, and compilation of ecological criteria for the identification of, marine areas that require protection, in light of the objective of the World Summit on Sustainable Development to develop and facilitate the use of diverse approaches and tools, such as ecosystem approaches and the establishment of marine protected areas consistent with international law, as reflected in the Convention, and based on scientific information, including representative networks, by 2012;[13]

179. *Encourages* States to further progress towards the 2012 target for the establishment of marine protected areas, including representative networks, and calls upon States to further consider options to identify and protect ecologically or biologically significant areas, consistent with international law and on the basis of the best available scientific information;

180. *Recalls* that the Conference of the Parties to the Convention on Biological Diversity, at its ninth meeting, adopted "Scientific criteria for identifying ecologically or biologically significant marine areas in need of protection in open-ocean waters and deep-sea habitats" and "Scientific guidance for selecting areas to establish a representative network of marine protected areas, including in open-ocean waters and deep-sea habitats",[74] and further recalls that the Food and Agriculture Organization of the United Nations has developed guidance for the identification of vulnerable marine ecosystems through the International Guidelines for the Management of Deep-sea Fisheries in the High Seas;

181. *Acknowledges* the Micronesia Challenge, the Eastern Tropical Pacific Seascape project, the Caribbean Challenge and the Coral Triangle Initiative, which in particular seek to create and link domestic marine protected areas to better facilitate ecosystem approaches, and reaffirms the need for further international cooperation, coordination and collaboration in support of such initiatives;

182. *Reiterates its support* for the International Coral Reef Initiative, takes note of the International Coral Reef Initiative General Meeting, held in Monaco from 12 to 15 January 2010, and supports the work under the Jakarta Mandate on Marine and Coastal Biological Diversity and the elaborated programme of work on marine and coastal biological diversity related to coral reefs;

183. *Encourages* States and relevant international institutions to improve efforts to address coral bleaching by, inter alia, improving monitoring to predict and

[74] See UNEP/CBD/COP/9/29, annex I, decision IX/20.

identify bleaching events, supporting and strengthening action taken during such events and improving strategies to manage reefs to support their natural resilience and enhance their ability to withstand other pressures, including ocean acidification;

184. *Also encourages* States to cooperate, directly or through competent international bodies, in exchanging information in the event of accidents involving vessels on coral reefs and in promoting the development of economic assessment techniques for both restoration and non-use values of coral reef systems;

185. *Emphasizes* the need to mainstream sustainable coral reef management and integrated watershed management into national development strategies, as well as into the activities of relevant United Nations agencies and programmes, international financial institutions and the donor community;

186. *Notes* that ocean noise is a potential threat to living marine resources, affirms the importance of sound scientific studies in addressing this matter, encourages further research, studies and consideration of the impacts of ocean noise on marine living resources, and requests the Division to continue to compile the peer-reviewed scientific studies it receives from Member States and intergovernmental organizations pursuant to paragraph 107 of resolution 61/222 and, as appropriate, to make them, or references and links to them, available on its website;

XI
Marine science

187. *Calls upon* States, individually or in collaboration with each other or with relevant international organizations and bodies, to continue to strive to improve understanding and knowledge of the oceans and the deep sea, including, in particular, the extent and vulnerability of deep sea biodiversity and ecosystems, by increasing their marine scientific research activities in accordance with the Convention;

188. *Invites* all relevant organizations, funds, programmes and bodies within the United Nations system, in consultation with interested States, to coordinate relevant activities with regional and national marine scientific and technological centres in small island developing States, as appropriate, to ensure the more effective achievement of their objectives in accordance with relevant United Nations small island developing States development programmes and strategies;

189. *Takes note with appreciation* of the work of the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization, with the advice of the Advisory Body of Experts on the Law of the Sea, on the development of procedures for the implementation of Parts XIII and XIV of the Convention, and also takes note of the review of the Advisory Body of Experts on the Law of the Sea of the Intergovernmental Oceanographic Commission to be conducted by an open-ended working group with representatives from member States;

190. *Encourages* the Advisory Body of Experts to continue its work, in cooperation with the Division, on the practice of Member States related to marine scientific research and transfer of marine technology within the framework of the Convention, taking into account the outcome of the review;

191. *Notes with appreciation* the work carried out by the Group of Experts to assist the Division in the revision of the publication entitled *Marine Scientific Research: A guide to the implementation of the relevant provisions of the United Nations Convention on the Law of the Sea*,[75] and requests the Secretariat to expedite the publication of the revised version;

192. *Notes* the contribution of the Census of Marine Life to marine biodiversity research over the past ten years, and notes with appreciation the publication of the report entitled "First Census of Marine Life 2010: Highlights of a Decade of Discovery";

193. *Stresses* the importance of increasing the scientific understanding of the oceans-atmosphere interface, including through participation in ocean observing programmes and geographic information systems, such as the Global Ocean Observing System, sponsored by the Intergovernmental Oceanographic Commission, the United Nations Environment Programme, the World Meteorological Organization and the International Council for Science, particularly considering their role in monitoring and forecasting climate change and variability and in the establishment and operation of tsunami warning systems;

194. *Takes note with appreciation* of the progress made by the Intergovernmental Oceanographic Commission and Member States towards the establishment of regional and national tsunami warning and mitigation systems, welcomes the continued collaboration of the United Nations and other intergovernmental organizations in this effort, and encourages Member States to establish and sustain their national warning and mitigation systems, within a global, ocean-related multi-hazard approach, as necessary, to reduce loss of life and damage to national economies and strengthen the resilience of coastal communities to natural disasters;

195. *Stresses* the need for continued efforts in developing mitigation and preparedness measures for natural disasters, particularly following recent tsunami events caused by earthquakes in Chile, Haiti, Samoa and Tonga;

196. *Expresses its concern* at the intentional or unintentional damage to platforms used for ocean observation and marine scientific research, such as moored buoys and tsunameters, and urges States to take necessary action and to cooperate in relevant organizations, including the Food and Agriculture Organization of the United Nations, the Intergovernmental Oceanographic Commission and the World Meteorological Organization, to address such damage;

XII
Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socio-economic Aspects

197. *Reiterates* the need to strengthen the regular scientific assessment of the state of the marine environment in order to enhance the scientific basis for policymaking;

198. *Takes note with appreciation* of the responses and suggestions made by the Group of Experts established pursuant to paragraph 180 of resolution 64/71 to

[75] United Nations publication, Sales No. E.91.V.3

respond and make suggestions on the issues listed in paragraph 60 of the report on the results of the "assessment of assessments";[76]

199. *Welcomes* the meeting of the Ad Hoc Working Group of the Whole to recommend a course of action to the General Assembly at its sixty-fifth session, convened in New York from 30 August to 3 September 2010 in accordance with paragraph 178 of resolution 64/71;

200. *Endorses* the recommendations adopted by the Ad Hoc Working Group of the Whole that propose modalities for the implementation of the Regular Process, including the key features, institutional arrangements, capacity-building and financing;[77]

201. *Reaffirms* the principles guiding the Regular Process and the objective and scope of its first cycle (2010-2014) as agreed upon at the first meeting of the Ad Hoc Working Group of the Whole in 2009;[78]

202. *Decides* that the Regular Process, as established under the United Nations, is accountable to the General Assembly and shall be an intergovernmental process guided by international law, including the United Nations Convention on the Law of the Sea and other applicable international instruments, and take into account relevant General Assembly resolutions;

203. *Decides also* that the Regular Process will be overseen and guided by an Ad Hoc Working Group of the Whole of the General Assembly composed of Member States, and requests the Secretary-General to convene the first meeting of the Ad Hoc Working Group of the Whole from 14 to 18 February 2011;

204. *Decides further* that the meetings of the Ad Hoc Working Group of the Whole shall be open to Member States and Observers of the United Nations, that, in accordance with past practice of the United Nations, relevant intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council will be invited to participate in the meetings of the Ad Hoc Working Group of the Whole, and that relevant scientific institutions and major groups identified in Agenda 21[7] may request an invitation to participate in the meetings of the Ad Hoc Working Group of the Whole;

205. *Emphasizes* that the first cycle of the Regular Process has begun and that the deadline for the first integrated assessment is 2014;

206. *Notes* that the first phase of the first cycle of the Regular Process (2010-2012) will provide for the preparation of key questions to be answered by the first integrated assessment, at all regional levels, to ensure an effective science-policy relationship and the participation of all relevant stakeholders, in particular local experts, in defining specific objectives and scope of the assessments;

207. *Decides* that the meetings of the Ad Hoc Working Group of the Whole shall be coordinated by two co-chairs representing developing and developed countries, who will be appointed by the President of the General Assembly in consultation with regional groups;

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[76] See A/64/88, annex.

[77] See A/65/358, annex.

[78] See A/64/347, annex.

208. *Recommends* that the Ad Hoc Working Group of the Whole establish, with agreement on terms of reference and other relevant elements, a management and review mechanism composed of States from among its members, on the basis of equitable geographic representation;

209. *Decides* to establish a group of experts to be an integral part of the Regular Process, requests the members of the Group of Experts, who have been appointed by Member States pursuant to paragraph 180 of General Assembly resolution 64/71, to continue serving on the Group of Experts for the duration of the first phase of the first assessment cycle, and encourages regional groups that have not yet done so to appoint experts to the Group of Experts in accordance with paragraph 180 of resolution 64/71;

210. *Requests* the Secretary-General to designate the Division to provide secretariat support to the Regular Process, including its established institutions;

211. *Also requests* the Secretary-General to invite the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization, the United Nations Environment Programme, the International Maritime Organization and the Food and Agriculture Organization of the United Nations, and other competent United Nations specialized agencies, as appropriate, to provide technical and scientific support to the Regular Process;

212. *Requests* the Group of Experts on the Regular Process to work, with the assistance of the secretariat of the Regular Process, to develop a set of options necessary to achieve the deadline of 2014 recommended in the report on the work of the Ad Hoc Working Group of the Whole to recommend a course of action to the General Assembly on the Regular Process,[79] for the completion of the first cycle of the Regular Process, to be presented by the Group of Experts for consideration and adoption, as appropriate, by the Ad Hoc Working Group of the Whole at its meeting in 2011;

213. *Requests* the secretariat of the Regular Process to convene a meeting of the Group of Experts, as appropriate and subject to the availability of the resources, prior to the first meeting of the Ad Hoc Working Group of the Whole;

214. *Notes with appreciation* the support provided by the Division to the Regular Process, and notes also with appreciation the technical and logistical support of the United Nations Environment Programme and the Intergovernmental Oceanographic Commission;

215. *Requests* the Secretary-General to promptly take appropriate measures, by mobilizing all available extrabudgetary and existing resources, including through the redeployment of staff, to further strengthen the capacity of the Division, in particular its human resources, serving as the secretariat of the Regular Process, including in the context of the programme budget for the current biennium and the proposed programme budget for the biennium 2012-2013;

216. *Welcomes* the establishment by the Secretary-General of the voluntary trust fund established for the purpose of supporting the operations of the first five-year cycle of the Regular Process, including for the provision of assistance to the experts referred to in paragraph 209 above from developing countries, in particular

[79] See A/64/347, annex.

least developed countries, small island developing States and landlocked developing States, attending the meeting of the Ad Hoc Working Group of the Whole in 2011, and the scholarship fund to support training programmes for developing countries, notes with appreciation the contributions made to the funds, and urges Member States, international financial institutions, donor agencies, intergovernmental organizations, non-governmental organizations and natural and juridical persons to make financial contributions to the voluntary trust funds established pursuant to paragraph 183 of General Assembly resolution 64/71 and to make other contributions to the Regular Process;

217. *Decides* that the scholarship fund is intended for individuals from developing countries, between 25 and 40 years of age, working in assessment and monitoring of the state of the marine environment or related disciplines, either in government or educational institutions and bodies, with at least five years of work-related experience, and decides further that the duration of a fellowship will be a minimum of six months in a university or educational institution followed by a practice period of at least three months in a relevant United Nations specialized agency, fund or programme or other relevant intergovernmental organization;

XIII
Regional cooperation

218. *Notes* that there have been a number of initiatives at the regional level, in various regions, to further the implementation of the Convention, takes note in that context of the Caribbean-focused Assistance Fund, which is intended to facilitate, mainly through technical assistance, the voluntary undertaking of maritime delimitation negotiations between Caribbean States, takes note once again of the Fund for Peace: Peaceful Settlement of Territorial Disputes, established by the General Assembly of the Organization of American States in 2000 as a primary mechanism, given its broader regional scope, for the prevention and resolution of pending territorial, land border and maritime boundary disputes, and calls upon States and others in a position to do so to contribute to these funds;

219. *Notes with appreciation* efforts at the regional level to further the implementation of the Convention and respond, including through capacity-building, to issues related to maritime safety and security, the conservation and sustainable use of living marine resources, the protection and preservation of the marine environment and the conservation and sustainable use of marine biodiversity;

220. *Welcomes* the publication of the results of the International Polar Year 2007-2008, with particular emphasis on new knowledge about the linkages between environmental change in the polar regions and global climate systems, encourages States and scientific communities to strengthen their cooperation in this respect, and notes the International Polar Year "From Knowledge to Action" Conference to be held in Montreal, Canada, from 22 to 27 April 2012;

221. *Welcomes* regional cooperation, and in this regard, notes the Pacific Oceanscape Framework as an initiative to enhance cooperation among coastal States in the Pacific island region to foster marine conservation and sustainable development;

XIV
Open-ended Informal Consultative Process on Oceans and the Law of the Sea

222. *Welcomes* the report on the work of the Consultative Process at its eleventh meeting, which focused on capacity-building in ocean affairs and the law of the sea, including marine science;[3]

223. *Recognizes* the role of the Consultative Process as a unique forum for comprehensive discussions on issues related to oceans and the law of the sea, consistent with the framework provided by the Convention and chapter 17 of Agenda 21,[6] and that the perspective of the three pillars of sustainable development should be further enhanced in the examination of the selected topics;

224. *Welcomes* the work of the Consultative Process and its contribution to improving coordination and cooperation between States and strengthening the annual debate of the General Assembly on oceans and the law of the sea by effectively drawing attention to key issues and current trends;

225. *Also welcomes* efforts to improve and focus the work of the Consultative Process, and in that respect recognizes the primary role of the Consultative Process in integrating knowledge, the exchange of opinions among multiple stakeholders and coordination among competent agencies, and enhancing awareness of topics, including emerging issues, while promoting the three pillars of sustainable development, and recommends that the Consultative Process devise a transparent, objective and inclusive process for the selection of topics and panellists so as to facilitate the work of the General Assembly during informal consultations concerning the annual resolution on oceans and the law of the sea;

226. *Recalls* the need to strengthen and improve the efficiency of the Consultative Process, and encourages States, intergovernmental organizations and programmes to provide guidance to the co-chairs to this effect, particularly before and during the preparatory meeting for the Consultative Process;

227. *Decides* to continue the Consultative Process for the next two years, in accordance with resolution 54/33 of 24 November 1999, with a further review of its effectiveness and utility by the General Assembly at its sixty-seventh session;

228. *Requests* the Secretary-General to convene, in accordance with paragraphs 2 and 3 of resolution 54/33, the twelfth meeting of the Consultative Process, in New York from 20 to 24 June 2011, to provide it with the necessary facilities for the performance of its work and to arrange for support to be provided by the Division, in cooperation with other relevant parts of the Secretariat, as appropriate;

229. *Expresses its serious concern* regarding the lack of resources available in the voluntary trust fund established by resolution 55/7 for the purpose of assisting developing countries, in particular least developed countries, small island developing States and landlocked developing States, in attending the meetings of the Consultative Process, and urges States to make additional contributions to the trust fund;

230. *Decides* that those representatives from developing countries who are invited by the co-chairs, in consultation with Governments, to make presentations during the meetings of the Consultative Process shall receive priority consideration in the disbursement of funds from the voluntary trust fund established by resolution 55/7 in order to cover the costs of their travel, and shall also be eligible to receive

daily subsistence allowance subject to the availability of funds after the travel costs of all other eligible representatives from those countries mentioned in paragraph 229 above have been covered;

231. *Also decides* that, in its deliberations on the report of the Secretary-General on oceans and the law of the sea, the Consultative Process at its twelfth meeting will focus its discussions on "Contributing to the assessment, in the context of the United Nations Conference on Sustainable Development, of progress to date and the remaining gaps in the implementation of the outcomes of the major summits on sustainable development and addressing new and emerging challenges", and at its thirteenth meeting on "Marine renewable energies";

XV
Coordination and cooperation

232. *Encourages* States to work closely with and through international organizations, funds and programmes, as well as the specialized agencies of the United Nations system and relevant international conventions, to identify emerging areas of focus for improved coordination and cooperation and how best to address these issues;

233. *Encourages* bodies established by the Convention to strengthen coordination and cooperation, as appropriate, in fulfilling their respective mandates;

234. *Requests* the Secretary-General to bring the present resolution to the attention of heads of intergovernmental organizations, the specialized agencies, funds and programmes of the United Nations engaged in activities relating to ocean affairs and the law of the sea, as well as funding institutions, and underlines the importance of their constructive and timely input for the report of the Secretary-General on oceans and the law of the sea and of their participation in relevant meetings and processes;

235. *Welcomes* the work done by the secretariats of relevant United Nations specialized agencies, programmes, funds and bodies and the secretariats of related organizations and conventions to enhance inter-agency coordination and cooperation on ocean issues, including through UN-Oceans, the inter-agency coordination mechanism on ocean and coastal issues within the United Nations system;

236. *Encourages* continued updates to Member States by UN-Oceans regarding its priorities and initiatives, in particular with respect to the proposed participation in UN-Oceans;

XVI
Activities of the Division for Ocean Affairs and the Law of the Sea

237. *Expresses its appreciation* to the Secretary-General for the annual comprehensive report on oceans and the law of the sea, prepared by the Division, as well as for the other activities of the Division, which reflect the high standard of assistance provided to Member States by the Division;

238. *Notes with satisfaction* the second observance by the United Nations of World Oceans Day on 8 June 2010, recognizes with appreciation the efforts deployed by the Division in organizing its celebration, and invites the Division to continue to promote and facilitate international cooperation on the law of the sea

and ocean affairs in the context of the future observance of World Oceans Day, as well as through its participation in other events such as the World Expo to be held in Yeosu, Republic of Korea, in 2012;

239. *Requests* the Secretary-General to continue to carry out the responsibilities and functions entrusted to him in the Convention and by the related resolutions of the General Assembly, including resolutions 49/28 and 52/26, and to ensure the allocation of appropriate resources to the Division for the performance of its activities under the approved budget for the Organization;

XVII
Sixty-sixth session of the General Assembly

240. *Requests* the Secretary-General to prepare a comprehensive report, in its current extensive format and in accordance with established practice, for consideration by the General Assembly at its sixty-sixth session, on developments and issues relating to ocean affairs and the law of the sea, including the implementation of the present resolution, in accordance with resolutions 49/28, 52/26 and 54/33, and to make the section of the report related to the topic that is the focus of the twelfth meeting of the Consultative Process available at least six weeks in advance of the meeting of the Consultative Process;

241. *Emphasizes* the critical role of the annual comprehensive report of the Secretary-General, which integrates information on developments relating to the implementation of the Convention and the work of the Organization, its specialized agencies and other institutions in the field of ocean affairs and the law of the sea at the global and regional levels, and as a result constitutes the basis for the annual consideration and review of developments relating to ocean affairs and the law of the sea by the General Assembly as the global institution having the competence to undertake such a review;

242. *Notes* that the report referred to in paragraph 240 above will also be submitted to States Parties pursuant to article 319 of the Convention regarding issues of a general nature that have arisen with respect to the Convention;

243. *Also notes* the desire to further improve the efficiency of, and effective participation of delegations in, the informal consultations concerning the annual General Assembly resolution on oceans and the law of the sea and the resolution on sustainable fisheries, decides that the period of the informal consultations on both resolutions should not exceed a maximum of four weeks in total and that the consultations should be scheduled in such a way that the Division has sufficient time to produce the report referred to in paragraph 240 above, and invites States to submit text proposals for inclusion in the resolutions to the coordinators of the informal consultations at the earliest possible date;

244. *Decides* to include in the provisional agenda of its sixty-sixth session the item entitled "Oceans and the law of the sea".

United Nations

A/65/L.20/Add.1

General Assembly

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8 December 2010

Original: English

Sixty-fifth session
Agenda item 74 (a)
Oceans and the law of the sea

Australia, Austria, Belgium, Brazil, Canada, Denmark, Finland, Greece, Guatemala, Iceland, India, Italy, Japan, Lithuania, Madagascar, Malta, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Slovenia, Spain, Sweden, Tuvalu and United Kingdom of Great Britain and Northern Ireland: draft resolution

Oceans and the law of the sea

Addendum

Add the following countries to the list of sponsors of the draft resolution:

Belize, Bosnia and Herzegovina, Cyprus, Fiji, Honduras, Indonesia, Jamaica, Luxembourg, Mexico, Micronesia (Federated States of), Papua New Guinea, Romania, Seychelles, Tonga, Trinidad and Tobago, Ukraine and United States of America

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Please recycle

United Nations A/65/L.21

General Assembly

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Sixty-fifth session
Agenda item 74 (b)
Oceans and the law of the sea: sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Brazil, Canada, Denmark, Iceland, Monaco, New Zealand, Norway, Seychelles, Trinidad and Tobago, Tuvalu and United States of America: draft resolution

Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

The General Assembly,

Reaffirming its annual resolutions on sustainable fisheries, including resolution 64/72 of 4 December 2009, and other relevant resolutions,

Recalling the relevant provisions of the United Nations Convention on the Law of the Sea ("the Convention"),[1] and bearing in mind the relationship between the Convention and the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks ("the Agreement"),[2]

Welcoming the recent ratifications of and accessions to the Agreement and the fact that a growing number of States, and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement, as well as subregional and regional fisheries management organizations and arrangements, have taken measures, as appropriate, towards the implementation of the provisions of the Agreement,

Welcoming also the work of the Food and Agriculture Organization of the United Nations and its Committee on Fisheries and the 2005 Rome Declaration on

[1] United Nations, *Treaty Series*, vol. 1833, No. 31363.
[2] Ibid., vol. 2167, No. 37924.

10-65771 (E) 031210

Please recycle

Illegal, Unreported and Unregulated Fishing, adopted on 12 March 2005,[3] and recognizing that the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations ("the Code")[4] and its associated international plans of action set out principles and global standards of behaviour for responsible practices for conservation of fisheries resources and the management and development of fisheries,

Acknowledging that 2010 was declared the International Year of Biodiversity,

Noting with concern that effective management of marine capture fisheries has been made difficult in some areas by unreliable information and data caused by, inter alia, unreported and misreported fish catch and fishing effort and that this lack of accurate data contributes to overfishing in some areas,

Recognizing the significant contribution of sustainable fisheries to food security, income, wealth and poverty alleviation for present and future generations,

Welcoming the Declaration of the World Summit on Food Security, held in Rome from 16 to 18 November 2009,[5]

Recognizing the urgent need for action at all levels to ensure the long-term sustainable use and management of fisheries resources through the wide application of the precautionary approach and ecosystem approaches,

Expressing concern over the current and projected adverse effects of climate change on food security and the sustainability of fisheries, and noting in that regard the work of the Intergovernmental Panel on Climate Change, the Food and Agriculture Organization of the United Nations and the United Nations Environment Programme,

Deploring the fact that fish stocks, including straddling fish stocks and highly migratory fish stocks, in many parts of the world are overfished or subject to sparsely regulated and heavy fishing efforts, as a result of, inter alia, illegal, unreported and unregulated fishing, inadequate flag State control and enforcement, including monitoring, control and surveillance measures, inadequate regulatory measures, harmful fisheries subsidies and overcapacity, as well as inadequate port State control, as highlighted in the report of the Food and Agriculture Organization of the United Nations, *The State of World Fisheries and Aquaculture 2008*,[6]

Concerned that a limited number of States have taken measures to implement, individually and through regional fisheries management organizations and arrangements, the International Plan of Action for the Management of Fishing Capacity adopted by the Food and Agriculture Organization of the United Nations,[7]

Recalling the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, adopted by the Food and Agriculture Organization of the United Nations,[7]

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[3] Food and Agriculture Organization of the United Nations, *Outcome of the Ministerial Meeting on Fisheries, Rome, 12 March 2005* (CL 128/INF/11), appendix B.

[4] *International Fisheries Instruments with Index* (United Nations publication, Sales No. E.98.V.11), sect. III.

[5] Document WSFS 2009/2 of the Food and Agriculture Organization of the United Nations.

[6] Available from www.fao.org/corp/publications/en.

[7] Available from www.fao.org/fishery/publications/en.

Particularly concerned that illegal, unreported and unregulated fishing constitutes a serious threat to fish stocks and marine habitats and ecosystems, to the detriment of sustainable fisheries as well as the food security and the economies of many States, particularly developing States,

Concerned that some operators increasingly take advantage of the globalization of fishery markets to trade fishery products stemming from illegal, unreported and unregulated fishing and make economic profits from those operations, which constitutes an incentive for them to pursue their activities,

Recognizing that effective deterrence and combating of illegal, unreported and unregulated fishing has significant financial and other resource implications,

Recognizing also the duty provided in the Convention, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas ("the Compliance Agreement"),[8] the Agreement and the Code for flag States to exercise effective control over fishing vessels flying their flag, and vessels flying their flag which provide support to fishing vessels, to ensure that the activities of such fishing and support vessels do not undermine the effectiveness of conservation and management measures taken in accordance with international law and adopted at the national, subregional, regional or global levels,

Recalling paragraph 49 of resolution 64/72, and noting with satisfaction in this regard the convening by the Food and Agriculture Organization of the United Nations of the Technical Consultation on Flag State Performance, in Rome from 2 to 6 May 2011,

Recalling also paragraph 66 of resolution 64/72, and welcoming in this regard the convening by the Food and Agriculture Organization of the United Nations of the Technical Consultation to Identify a Structure and Strategy for the Development and Implementation of the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels, in Rome from 8 to 12 November 2010,

Noting the obligation of all States, in accordance with international law, as reflected in the relevant provisions of the Convention, to cooperate in the conservation and management of living marine resources, and recognizing the importance of coordination and cooperation at the global, regional, subregional as well as national levels in the areas, inter alia, of marine scientific research, data collection, information-sharing, capacity-building and training for the conservation, management and sustainable development of marine living resources,

Acknowledging the report of the resumed Review Conference on the Agreement ("the resumed Review Conference"), held in New York from 24 to 28 May 2010,[9] which reaffirmed the recommendations adopted by the Review Conference in 2006 and proposed additional means of strengthening the substance and methods of implementation of the provisions of the Agreement in order better to address any continuing problems in the conservation and management of straddling and highly migratory fish stocks,

Noting with interest that the resumed Review Conference agreed to continue the informal consultations of States parties to the Agreement and keep the

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[8] United Nations, *Treaty Series*, vol. 2221, No. 39486.

[9] See A/CONF.210/2010/7.

Agreement under review through the resumption of the Review Conference at a date not earlier than 2015, to be agreed at a future round of informal consultations, and recognizing that the resumed Review Conference will be mandated to assess the effectiveness of the Agreement in securing the conservation and management of straddling and highly migratory fish stocks by reviewing and assessing the adequacy of its provisions and, if necessary, proposing means of strengthening the substance and methods of implementation of those provisions in order better to address any continuing problems in the conservation and management of those stocks, as provided for in article 36 of the Agreement,

Acknowledging the importance of ocean data buoy systems moored in areas beyond national jurisdiction to sustainable development, promoting safety at sea and limiting human vulnerability to natural disasters, due to their use in weather and marine forecasts, fisheries management, tsunami forecasts and climate prediction, and expressing concern that most damage to ocean data buoys, such as moored buoys and tsunameters, frequently results from actions taken by some fishing operations which render the buoys inoperable,

Recognizing the need for States, individually and through regional fisheries management organizations and arrangements, to continue to develop and implement, consistent with international law, effective port State measures to combat overfishing and illegal, unreported and unregulated fishing, the critical need for cooperation with developing States to build their capacity, and the importance of cooperation between the Food and Agriculture Organization of the United Nations and the International Maritime Organization in this regard,

Welcoming, in this regard, the approval by the Conference of the Food and Agriculture Organization of the United Nations of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing[10] and its opening for signature on 22 November 2009,

Concerned that marine pollution from all sources constitutes a serious threat to human health and safety, endangers fish stocks, marine biodiversity and marine and coastal habitats and has significant costs to local and national economies,

Recognizing that marine debris is a global transboundary pollution problem and that, due to the many different types and sources of marine debris, different approaches to their prevention and removal are necessary,

Noting that the contribution of sustainable aquaculture to global fish supplies continues to respond to opportunities in developing countries to enhance local food security and poverty alleviation and, together with the efforts of other aquaculture producing countries, will make a significant contribution to meeting future demands in fish consumption, bearing in mind article 9 of the Code,

Calling attention to the circumstances affecting fisheries in many developing States, in particular African States and small island developing States, and recognizing the urgent need for capacity-building, including the transfer of marine technology and in particular fisheries-related technology, to enhance the ability of such States to meet their obligations and exercise their rights under international instruments, in order to realize the benefits from fisheries resources,

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[10] Food and Agriculture Organization of the United Nations, *Report of the Conference of FAO, Thirty-sixth Session, Rome 18-23 November 2009* (C 2009/REP and Corr.1), appendix E.

Recognizing the need for appropriate measures to minimize by-catch, waste, discards, including high-grading, loss of fishing gear and other factors which adversely affect fish stocks and may also have undesirable effects on the economies and food security of small island developing States, other developing coastal States, and subsistence fishing communities,

Recalling paragraph 81 of its resolution 64/72, and welcoming in this regard the convening by the Food and Agriculture Organization of the United Nations of the Technical Consultation to Develop International Guidelines on Bycatch Management and Reduction of Discards, to be held in Rome from 6 to 10 December 2010,

Recognizing the need to further integrate ecosystem approaches into fisheries conservation and management and, more generally, the importance of applying ecosystem approaches to the management of human activities in the ocean, and noting in this regard the Reykjavik Declaration on Responsible Fisheries in the Marine Ecosystem,[11] the work of the Food and Agriculture Organization of the United Nations related to guidelines for the implementation of the ecosystem approach to fisheries management and the importance of this approach to relevant provisions of the Agreement and the Code, as well as decision VII/11[12] and other relevant decisions of the Conference of the Parties to the Convention on Biological Diversity,

Recognizing also the economic and cultural importance of sharks in many countries, the biological importance of sharks in the marine ecosystem as key predatory species, the vulnerability of certain shark species to overexploitation, the fact that some are threatened with extinction, the need for measures to promote the long-term conservation, management and sustainable use of shark populations and fisheries, and the relevance of the International Plan of Action for the Conservation and Management of Sharks, adopted by the Food and Agriculture Organization of the United Nations in 1999,[7] in providing guidance on the development of such measures,

Reaffirming its support for the initiative of the Food and Agriculture Organization of the United Nations and relevant subregional and regional fisheries management organizations and arrangements on the conservation and management of sharks, and noting with concern that basic data on shark stocks and harvests continue to be lacking, that only a small number of countries have implemented the International Plan of Action for the Conservation and Management of Sharks, and that not all regional fisheries management organizations and arrangements have adopted conservation and management measures for directed shark fisheries and for the regulation of by-catch of sharks from other fisheries,

Recognizing the importance of marine species occupying low trophic levels in the ecosystem and for food security, and the need to ensure their long-term sustainability,

Expressing concern over reports of continued losses of seabirds, particularly albatrosses and petrels, as well as other marine species, including sharks, fin-fish species and marine turtles, as a result of incidental mortality in fishing operations, particularly longline fishing, and other activities, while recognizing considerable efforts by States and through various regional fisheries management organizations and arrangements to reduce by-catch in longline fishing,

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[11] E/CN.17/2002/PC.2/3, annex.

[12] See UNEP/CBD/COP/7/21, annex.

I

Achieving sustainable fisheries

1. *Reaffirms* the importance it attaches to the long-term conservation, management and sustainable use of the marine living resources of the world's oceans and seas and the obligations of States to cooperate to this end, in accordance with international law, as reflected in the relevant provisions of the Convention,[1] in particular the provisions on cooperation set out in Part V and Part VII, section 2, of the Convention, and where applicable, the Agreement;[2]

2. *Encourages* States to give due priority to the implementation of the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation")[13] in relation to achieving sustainable fisheries, especially restoring depleted stocks to levels that can produce maximum sustainable yield on an urgent basis and, where possible, not later than 2015;

3. *Urges* States, either directly or through appropriate subregional, regional or global organizations or arrangements, to intensify efforts to assess and address, as appropriate, the impacts of global climate change on the sustainability of fish stocks and the habitats that support them, in particular the most affected ones;

4. *Emphasizes* the obligations of flag States to discharge their responsibilities, in accordance with the Convention and the Agreement, to ensure compliance by vessels flying their flag with the conservation and management measures adopted and in force with respect to fisheries resources on the high seas;

5. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention, which sets out the legal framework within which all activities in the oceans and seas must be carried out, taking into account the relationship between the Convention and the Agreement;

6. *Also calls upon* all States, directly or through regional fisheries management organizations and arrangements, to apply widely, in accordance with international law and the Code,[4] the precautionary approach and ecosystem approaches to the conservation, management and exploitation of fish stocks, and also calls upon States parties to the Agreement to implement fully the provisions of article 6 of the Agreement as a matter of priority;

7. *Encourages* States to increase their reliance on scientific advice in developing, adopting and implementing conservation and management measures, and to increase their efforts to promote science for conservation and management measures, including through international cooperation, that apply, in accordance with international law, the precautionary approach and ecosystem approaches to fisheries management, enhancing understanding of ecosystem approaches, in order to ensure the long-term conservation and sustainable use of marine living resources, and in this regard encourages the implementation of the Strategy for Improving Information on Status and Trends of Capture Fisheries of the Food and Agriculture

[13] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

Organization of the United Nations[14] as a framework for the improvement and understanding of fishery status and trends;

8. *Calls upon* all States, directly or through regional fisheries management organizations and arrangements, to apply stock-specific precautionary reference points, as described in Annex II to the Agreement and in the Code, to ensure that populations of harvested stocks, and, where necessary, associated or dependent species, are maintained at, or restored to, sustainable levels, and to use these reference points for triggering conservation and management action;

9. *Encourages* States to apply the precautionary approach and ecosystem approaches in adopting and implementing conservation and management measures addressing, inter alia, by-catch, pollution and overfishing, and protecting habitats of specific concern, taking into account existing guidelines developed by the Food and Agriculture Organization of the United Nations;

10. *Also encourages* States to enhance or develop observer programmes individually or through regional fisheries management organizations or arrangements in order to improve data collection on, inter alia, target and by-catch species, which could also assist monitoring, control and surveillance tools, and to take into account standards, forms of cooperation and other existing structures for such programmes as described in article 25 of the Agreement and article 5 of the Code;

11. *Calls upon* States and regional fisheries management organizations and arrangements to collect and, where appropriate, report to the Food and Agriculture Organization of the United Nations required catch and effort data, and fishery-related information, in a complete, accurate and timely way, including for straddling fish stocks and highly migratory fish stocks within and beyond areas under national jurisdiction, discrete high seas fish stocks, and by-catch and discards; and, where they do not exist, to establish processes to strengthen data collection and reporting by members of regional fisheries management organizations and arrangements, including through regular reviews of member compliance with such obligations, and, when such obligations are not met, require the member concerned to rectify the problem, including through the preparation of plans of action with timelines;

12. *Invites* States and regional fisheries management organizations and arrangements to cooperate with the Food and Agriculture Organization of the United Nations in the implementation and further development of the Fisheries Resources Monitoring System initiative;

13. *Reaffirms* paragraph 10 of resolution 61/105 of 8 December 2006, and calls upon States, including through regional fisheries management organizations or arrangements, to urgently adopt measures to fully implement the International Plan of Action for the Conservation and Management of Sharks[7] for directed and non-directed shark fisheries, based on the best available scientific information, through, inter alia, limits on catch or fishing effort, by requiring that vessels flying their flag collect and regularly report data on shark catches, including species-specific data, discards and landings, undertaking, including through international cooperation, comprehensive stock assessments of sharks, reducing shark by-catch and by-catch mortality, and, where scientific information is uncertain or inadequate,

[14] Food and Agriculture Organization of the United Nations, *Report of the twenty-fifth session of the Committee on Fisheries, Rome, 24–28 February 2003*, FAO Fisheries Report No. 702 (FIPL/R702 (En)), appendix H.

not increasing fishing effort in directed shark fisheries until measures have been established to ensure the long-term conservation, management and sustainable use of shark stocks and to prevent further declines of vulnerable or threatened shark stocks;

14. *Calls upon* States to take immediate and concerted action to improve the implementation of and compliance with existing regional fisheries management organization or arrangement and national measures that regulate shark fisheries and incidental catch of sharks, in particular those measures which prohibit or restrict fisheries conducted solely for the purpose of harvesting shark fins, and, where necessary, to consider taking other measures, as appropriate, such as requiring that all sharks be landed with each fin naturally attached;

15. *Calls upon* regional fisheries management organizations with the competence to regulate highly migratory species to strengthen or establish precautionary, science-based conservation and management measures, as appropriate, for sharks taken in fisheries within their convention areas consistent with the International Plan of Action for the Conservation and Management of Sharks, taking into account the Course of Actions adopted at the second joint meeting of tuna regional fisheries management organizations and arrangements, held in San Sebastian, Spain, from 29 June to 3 July 2009;

16. *Reiterates its request* to the Food and Agriculture Organization of the United Nations to prepare a report containing a comprehensive analysis of the implementation of the International Plan of Action for the Conservation and Management of Sharks, as well as progress in implementing paragraph 11 of General Assembly resolution 62/177 of 18 December 2007;

17. *Urges* States to eliminate barriers to trade in fish and fisheries products which are not consistent with their rights and obligations under the World Trade Organization agreements, taking into account the importance of the trade in fish and fisheries products, particularly for developing countries;

18. *Urges* States and relevant international and national organizations to provide for the participation of small-scale fishery stakeholders in related policy development and fisheries management strategies in order to achieve long-term sustainability for such fisheries, consistent with the duty to ensure the proper conservation and management of fisheries resources;

19. *Encourages* States, either directly or through competent and appropriate subregional, regional or global organizations and arrangements, to analyse, as appropriate, the impact of fishing for marine species occupying low trophic levels;

II
Implementation of the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

20. *Calls upon* all States, and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement, that have not done so to ratify or accede to the Agreement and in the interim to consider applying it provisionally;

21. *Calls upon* States parties to the Agreement to effectively implement, as a matter of priority, the provisions of the Agreement through their domestic legislation and through regional fisheries management organizations and arrangements in which they participate;

22. *Emphasizes* the importance of those provisions of the Agreement relating to bilateral, subregional and regional cooperation in enforcement, and urges continued efforts in this regard;

23. *Urges* States parties to the Agreement, in accordance with article 21, paragraph 4, thereof to inform, either directly or through the relevant subregional or regional fisheries management organization or arrangement, all States whose vessels fish on the high seas in the same subregion or region of the form of identification issued by those States parties to officials duly authorized to carry out boarding and inspection functions in accordance with articles 21 and 22 of the Agreement;

24. *Also urges* States parties to the Agreement, in accordance with article 21, paragraph 4, thereof, to designate an appropriate authority to receive notifications pursuant to article 21 and to give due publicity to such designation through the relevant subregional or regional fisheries management organization or arrangement;

25. *Invites* regional fisheries management organizations and arrangements which have not yet done so to adopt procedures for high seas boarding and inspection that are consistent with articles 21 and 22 of the Agreement;

26. *Calls upon* States, individually and, as appropriate, through subregional and regional fisheries management organizations and arrangements with competence over discrete high seas fish stocks, to adopt the necessary measures to ensure the long-term conservation, management and sustainable use of such stocks in accordance with the Convention and consistent with the Code and the general principles set forth in the Agreement;

27. *Invites* States to assist developing States in enhancing their participation in regional fisheries management organizations or arrangements, including by facilitating access to fisheries for straddling fish stocks and highly migratory fish stocks, in accordance with article 25, paragraph 1 (*b*), of the Agreement, taking into account the need to ensure that such access benefits the developing States concerned and their nationals;

28. *Invites* States and international financial institutions and organizations of the United Nations system to provide assistance according to Part VII of the Agreement, including, if appropriate, the development of special financial mechanisms or instruments to assist developing States, in particular the least developed among them and small island developing States, to enable them to develop their national capacity to exploit fishery resources, including developing their domestically flagged fishing fleet, value-added processing and the expansion of their economic base in the fishing industry, consistent with the duty to ensure the proper conservation and management of fisheries resources;

29. *Notes with appreciation* the contributions made by States to the Assistance Fund established under Part VII of the Agreement, and encourages States, intergovernmental organizations, international financial institutions, national institutions and non-governmental organizations, as well as natural and juridical persons, to make further voluntary financial contributions to the Fund;

30. *Notes with satisfaction* that the Food and Agriculture Organization of the United Nations and the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat ("the Division") have taken measures to publicize the availability of assistance through the Assistance Fund, and encourages the Organization and the Division to continue their efforts in this regard;

31. *Encourages* accelerated progress by States, individually and, as appropriate, through subregional and regional fisheries management organizations and arrangements, regarding the recommendations of the Review Conference on the Agreement, held in New York from 22 to 26 May 2006,[15] and the identification of emerging priorities;

32. *Encourages* States, individually and, as appropriate, through regional and subregional fisheries management organizations and arrangements, to consider implementing, as appropriate, the recommendations of the resumed Review Conference;[16]

33. *Reaffirms its request* that the Food and Agriculture Organization of the United Nations initiate arrangements with States for the collection and dissemination of data on fishing in the high seas by vessels flying their flag at the subregional and regional levels where no such arrangements exist;

34. *Also reaffirms its request* that the Food and Agriculture Organization of the United Nations revise its global fisheries statistics database to provide information on straddling fish stocks, highly migratory fish stocks and discrete high seas fish stocks on the basis of where the catch is taken;

III

Related fisheries instruments

35. *Emphasizes* the importance of the effective implementation of the provisions of the Compliance Agreement,[8] and urges continued efforts in this regard;

36. *Calls upon* all States and other entities referred to in article X, paragraph 1, of the Compliance Agreement that have not yet become parties to that Agreement to do so as a matter of priority and, in the interim, to consider applying it provisionally;

37. *Urges* States and subregional and regional fisheries management organizations and arrangements to implement and promote the application of the Code within their areas of competence;

38. *Urges* States to develop and implement, as a matter of priority, national and, as appropriate, regional plans of action to put into effect the international plans of action of the Food and Agriculture Organization of the United Nations;

39. *Encourages* the development of best practice guidelines for safety at sea in connection with marine fisheries by the competent international organizations;

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[15] See A/CONF.210/2006/15, annex.

[16] See A/CONF.210/2010/7, annex.

IV
Illegal, unreported and unregulated fishing

40. *Emphasizes once again its serious concern* that illegal, unreported and unregulated fishing remains one of the greatest threats to marine ecosystems and continues to have serious and major implications for the conservation and management of ocean resources, as well as the food security and the economies of many States, particularly developing States, and renews its call upon States to comply fully with all existing obligations and to combat such fishing and urgently to take all necessary steps to implement the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of the Food and Agriculture Organization of the United Nations;[7]

41. *Urges* States to exercise effective control over their nationals, including beneficial owners, and vessels flying their flag, in order to prevent and deter them from engaging in illegal, unreported and unregulated fishing activities or supporting vessels engaging in illegal, unreported and unregulated fishing activities, including those vessels listed by regional fisheries management organizations or arrangements as engaged in those activities, and to facilitate mutual assistance to ensure that such actions can be investigated and proper sanctions imposed;

42. *Also urges* States to take effective measures, at the national, subregional, regional and global levels, to deter the activities, including illegal, unreported and unregulated fishing, of any vessel which undermines conservation and management measures that have been adopted by subregional and regional fisheries management organizations and arrangements in accordance with international law;

43. *Calls upon* States not to permit vessels flying their flag to engage in fishing on the high seas or in areas under the national jurisdiction of other States, unless duly authorized by the authorities of the States concerned and in accordance with the conditions set out in the authorization, and to take specific measures, including deterring the reflagging of vessels by their nationals, in accordance with the relevant provisions of the Convention, the Agreement and the Compliance Agreement, to control fishing operations by vessels flying their flag;

44. *Urges* States, individually and collectively through regional fisheries management organizations and arrangements, to develop appropriate processes to assess the performance of States with respect to implementing the obligations regarding fishing vessels flying their flag set out in relevant international instruments;

45. *Reaffirms* the need to strengthen, where necessary, the international legal framework for intergovernmental cooperation, in particular at the subregional and regional levels, in the management of fish stocks and in combating illegal, unreported and unregulated fishing, in a manner consistent with international law, and for States and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement to collaborate in efforts to address these types of fishing activities;

46. *Urges* regional fisheries management organizations and arrangements to further coordinate measures for combating illegal, unreported and unregulated fishing activities, such as through the development of a common list of vessels identified as engaged in illegal, unreported and unregulated fishing or the mutual recognition of the illegal, unreported and unregulated vessel lists established by each organization or arrangement;

47. *Reaffirms its call upon* States to take all necessary measures consistent with international law, without prejudice to a State's sovereignty over ports in its territory and to reasons of force majeure or distress, including the prohibition of vessels from accessing their ports followed by a report to the flag State concerned, when there is clear evidence that they are or have been engaged in or have supported illegal, unreported and unregulated fishing, or when they refuse to give information either on the origin of the catch or on the authorization under which the catch has been made;

48. *Reaffirms* paragraph 53 of resolution 64/72 relating to eliminating illegal, unreported and unregulated fishing by vessels flying "flags of convenience" and requiring that a "genuine link" be established between States and fishing vessels flying their flags, and urges States operating open registry to effectively control all fishing vessels flying their flag, as required by international law, or otherwise stop open registry for fishing vessels;

49. *Recognizes* the need for enhanced port State measures to combat illegal, unreported and unregulated fishing, and urges States to cooperate, in particular at the regional level and through subregional and regional fisheries management organizations and arrangements, to adopt all necessary port measures, consistent with international law taking into account article 23 of the Agreement, and to further promote the development and application of standards at the regional level;

50. *Encourages*, in this regard, States and regional economic integration organizations to consider ratifying, accepting, approving or acceding to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of the Food and Agriculture Organization of the United Nations[10] with a view to its early entry into force;

51. *Encourages* strengthened collaboration between the Food and Agriculture Organization of the United Nations and the International Maritime Organization, taking into account the respective competencies, mandates and experience of the two organizations, to combat illegal, unreported and unregulated fishing, particularly in improving the implementation of flag State responsibilities and port State measures;

52. *Encourages* States, with respect to vessels flying their flag, and port States, to make every effort to share data on landings and catch quotas, and in this regard encourages regional fisheries management organizations or arrangements to consider developing open databases containing such data for the purpose of enhancing the effectiveness of fisheries management;

53. *Calls upon* States to take all necessary measures to ensure that vessels flying their flag do not engage in trans-shipment of fish caught by fishing vessels engaged in illegal, unreported and unregulated fishing;

54. *Urges* States, individually and through regional fisheries management organizations and arrangements, to adopt and implement internationally agreed market-related measures in accordance with international law, including principles, rights and obligations established in World Trade Organization agreements, as called for in the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing;[7]

55. *Encourages* information-sharing regarding emerging market- and trade-related measures by States and other relevant actors with appropriate international

forums, given the potential implications of these measures for all States, consistent with the established plan of work of the Committee on Fisheries of the Food and Agriculture Organization of the United Nations, and taking into account the Technical Guidelines for Responsible Fish Trade of the Food and Agriculture Organization of the United Nations;[17]

56. *Notes* the concerns about possible connections between international organized crime and illegal fishing in certain regions of the world, and encourages States, including through the appropriate international forums and organizations, to study the causes and methods of and contributing factors to illegal fishing to increase knowledge and understanding of those possible connections, and to make the findings publicly available, bearing in mind the distinct legal regimes and remedies under international law applicable to illegal fishing and international organized crime;

V
Monitoring, control and surveillance and compliance and enforcement

57. *Calls upon* States, in accordance with international law, to strengthen implementation of or, where they do not exist, adopt comprehensive monitoring, control and surveillance measures and compliance and enforcement schemes individually and within those regional fisheries management organizations or arrangements in which they participate, in order to provide an appropriate framework for promoting compliance with agreed conservation and management measures, and further urges enhanced coordination among all relevant States and regional fisheries management organizations and arrangements in these efforts;

58. *Encourages* further work by competent international organizations, including the Food and Agriculture Organization of the United Nations and subregional and regional fisheries management organizations and arrangements, to develop guidelines on flag State control of fishing vessels;

59. *Urges* States, individually and through relevant regional fisheries management organizations and arrangements, to establish mandatory vessel monitoring, control and surveillance systems, in particular to require that vessel monitoring systems be carried by all vessels fishing on the high seas as soon as practicable, recalling that paragraph 62 of resolution 63/112 urged that large-scale fishing vessels be required to carry vessel monitoring systems no later than December 2008, and to share information on fisheries enforcement matters;

60. *Calls upon* States, individually and through regional fisheries management organizations or arrangements, to strengthen or establish, consistent with national and international law, positive or negative lists of vessels fishing within the areas covered by relevant regional fisheries management organizations and arrangements in order to promote compliance with conservation and management measures and to identify products from illegal, unreported and unregulated catches, and encourages improved coordination among all States and regional fisheries management organizations and arrangements in sharing and using this information, taking into account the forms of cooperation with developing States as set out in article 25 of the Agreement;

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[17] Available from www.fao.org/fishery/publications/technical-guidelines/en.

61. *Encourages* the Food and Agriculture Organization of the United Nations, in cooperation with States, regional economic integration organizations, the International Maritime Organization and, as appropriate, regional fisheries management organizations and arrangements, to expedite efforts to develop and manage a comprehensive global record, including with a unique vessel identifier system, and in this regard encourages the Committee on Fisheries at its twenty-ninth session to consider the recommendations of the Technical Consultation to Identify a Structure and Strategy for the Development and Implementation of the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels;

62. *Requests* States and relevant international bodies to develop, in accordance with international law, more effective measures to trace fish and fishery products to enable importing States to identify fish or fishery products caught in a manner that undermines international conservation and management measures agreed in accordance with international law, taking into account the special requirements of developing States and the forms of cooperation with developing States as set out in article 25 of the Agreement, and at the same time to recognize the importance of market access, in accordance with provisions 11.2.4, 11.2.5 and 11.2.6 of the Code, for fish and fishery products caught in a manner that is in conformity with such international measures;

63. *Requests* States to take the necessary measures, consistent with international law, to help to prevent fish and fishery products caught in a manner that undermines applicable conservation and management measures adopted in accordance with international law from entering international trade;

64. *Invites* the Food and Agriculture Organization of the United Nations to report on the state of progress in the development of best practice guidelines for catch documentation schemes and traceability for inclusion in the report of the Secretary-General on fisheries to the General Assembly at its sixty-seventh session;

65. *Encourages* States to establish and undertake cooperative surveillance and enforcement activities in accordance with international law to strengthen and enhance efforts to ensure compliance with conservation and management measures, and prevent and deter illegal, unreported and unregulated fishing;

66. *Urges* States, directly and through regional fisheries management organizations or arrangements, to develop and adopt effective monitoring, control and surveillance measures for trans-shipment, as appropriate, in particular at-sea trans-shipment, in order to, inter alia, monitor compliance, collect and verify fisheries data, and to prevent and suppress illegal, unreported and unregulated fishing activities, in accordance with international law, and, in parallel, to encourage and support the Food and Agriculture Organization of the United Nations in studying the current practices of trans-shipment and produce a set of guidelines for this purpose;

67. *Expresses its appreciation* for financial contributions from States to improve the capacity of the existing voluntary International Monitoring, Control and Surveillance Network for Fisheries-Related Activities, and encourages States to join and actively participate in the Network and to consider supporting, when appropriate, its transformation in accordance with international law into an international unit with dedicated resources to further assist Network members, taking into account the forms of cooperation with developing States as set out in article 25 of the Agreement;

68. *Encourages* participation in the Third Global Fisheries Enforcement Training Workshop, for the African region, to be held in Maputo from 28 February to 4 March 2011, supported by the International Monitoring, Control and Surveillance Network, the secretariat of the Food and Agriculture Organization of the United Nations, the Partnership for African Fisheries of the New Partnership for Africa's Development and the Government of Mozambique, in order to share information, experiences and technologies, foster coordination and improve skills among enforcement officials;

VI
Fishing overcapacity

69. *Calls upon* States to commit themselves to urgently reducing the capacity of the world's fishing fleets to levels commensurate with the sustainability of fish stocks, through the establishment of target levels and plans or other appropriate mechanisms for ongoing capacity assessment, while avoiding the transfer of fishing capacity to other fisheries or areas in a manner that undermines the sustainable management of fish stocks, including, inter alia, those areas where fish stocks are overexploited or in a depleted condition, and recognizing in this context the legitimate rights of developing States to develop their fisheries for straddling fish stocks and highly migratory fish stocks consistent with article 25 of the Agreement, article 5 of the Code, and paragraph 10 of the International Plan of Action for the Management of Fishing Capacity;

70. *Reiterates its call upon* States, individually and through regional fisheries management organizations and arrangements, to ensure that the urgent actions required in the International Plan of Action for the Management of Fishing Capacity are undertaken expeditiously and that its implementation is facilitated without delay;

71. *Invites* the Food and Agriculture Organization of the United Nations to report on the state of progress in the implementation of the International Plan of Action for the Management of Fishing Capacity, as provided for in paragraph 48 of the Plan of Action;

72. *Calls upon* States individually and, as appropriate, through regional and subregional fisheries management organizations and arrangements with competence to regulate highly migratory species, to urgently address global fishing capacity for tunas, inter alia, in a way that recognizes the legitimate rights of developing States, in particular small island developing States, to participate in and benefit from such fisheries, taking into account the recommendations from the Joint Tuna Regional Fisheries Management Organizations International Workshop on Management of Tuna Fisheries, held in Brisbane, Australia, from 29 June to 1 July 2010;

73. *Encourages* those States which are cooperating to establish subregional and regional fisheries management organizations and arrangements, taking into account the best scientific information available as well as the precautionary approach, to exercise voluntary restraint of fishing effort levels in those areas that will come under the regulation of the future organizations and arrangements until adequate regional conservation and management measures are adopted and implemented, taking into account the need to ensure the long-term conservation, management and sustainable use of the relevant fish stocks and to prevent significant adverse impacts on vulnerable marine ecosystems;

74. *Urges* States to eliminate subsidies that contribute to overfishing and overcapacity and to illegal, unreported and unregulated fishing, including through accelerating work to complete World Trade Organization negotiations on fisheries subsidies in accordance with the 2001 Doha Ministerial Declaration[18] to clarify and improve and the 2005 Hong Kong Ministerial Declaration[19] to strengthen disciplines on fisheries subsidies, taking into account the importance of the fisheries sector, including small-scale and artisanal fisheries, to developing countries;

VII
Large-scale pelagic drift-net fishing

75. Expresses concern that, despite the adoption of General Assembly resolution 46/215 of 20 December 1991, the practice of large-scale pelagic drift-net fishing still exists and remains a threat to marine living resources;

76. Urges States, individually and through regional fisheries management organizations and arrangements, to adopt effective measures, or strengthen existing measures, to implement and enforce the provisions of its resolution 46/215 and subsequent resolutions on large-scale pelagic drift-net fishing in order to eliminate the use of large-scale pelagic drift nets in all seas and oceans, which means that efforts to implement resolution 46/215 should not result in the transfer to other parts of the world of drift nets that contravene the resolution;

77. Also urges States, individually and through regional fisheries management organizations and arrangements, to adopt effective measures, or strengthen existing measures, to implement and enforce the present global moratorium on the use of large-scale pelagic drift nets on the high seas, and calls upon States to ensure that vessels flying their flag that are duly authorized to use large-scale drift nets in waters under their national jurisdiction do not use such gear for fishing while on the high seas;

78. Reaffirms the request in paragraph 6 of its resolution 46/215 for the submission of information to the Secretary-General and requests the Secretary-General to include this information in his report to the sixty-seventh session;

VIII
Fisheries by-catch and discards

79. Urges States, subregional and regional fisheries management organizations and arrangements and other relevant international organizations that have not done so to take action, including with consideration of the interests of developing coastal States and, as appropriate, subsistence fishing communities, to reduce or eliminate by-catch, catch by lost or abandoned gear, fish discards and post-harvest losses, including juvenile fish, consistent with international law and relevant international instruments, including the Code, and in particular to consider measures including, as appropriate, technical measures related to fish size, mesh size or gear, discards, closed seasons and areas and zones reserved for selected fisheries, particularly artisanal fisheries, the establishment of mechanisms for communicating information on areas of high concentration of juvenile fish, taking into account the importance of ensuring the confidentiality of such information, and

[18] A/C.2/56/7, annex.

[19] World Trade Organization, document WT/MIN(05)/DEC. Available from http://docsonline.wto.org.

support for studies and research that will reduce or eliminate by-catch of juvenile fish, and to ensure that these measures are implemented so as to optimize their effectiveness;

80. Urgently calls upon States, subregional and regional fisheries management organizations and arrangements and, where appropriate, other relevant international organizations to develop and implement effective management measures to reduce the incidence of catch of non-target species;

81. Calls upon States, subregional and regional fisheries management organizations and arrangements to adopt or improve measures to assess the impact of their fisheries on species caught as by-catch and to improve the comprehensiveness and accuracy of information and reporting on incidental catch of species caught as by-catch, including, inter alia, through adequate observer coverage and the use of modern technologies, and to provide assistance to developing States to meet data collection and reporting obligations;

82. Encourages States and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement to give due consideration to participation, as appropriate, in subregional and regional instruments and organizations with mandates to conserve non-target species taken incidentally in fishing operations;

83. Encourages States to strengthen, if necessary, the capacity of those subregional and regional fisheries management organizations and arrangements in which they participate to ensure the adequate conservation of non-target species taken incidentally in fishing operations, taking into consideration best practices for non-target species management, and to expedite their ongoing efforts in this regard;

84. Requests States and regional fisheries management organizations and arrangements to urgently implement, as appropriate, the measures recommended in the 2004 Guidelines to Reduce Sea Turtle Mortality in Fishing Operations[20] and the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries of the Food and Agriculture Organization of the United Nations[7] in order to prevent the decline of sea turtles and seabird populations by minimizing by-catch and increasing post-release survival in their fisheries, including through research and development of gear and bait alternatives, promoting the use of available by-catch mitigation technology, and establishing and strengthening data-collection programmes to obtain standardized information to develop reliable estimates of the by-catch of these species;

85. Recalls paragraph 85 of its resolution 64/72 and notes with satisfaction that the Food and Agriculture Organization of the United Nations has published the best practices technical guidelines for the implementation of the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries on its website;[21]

86. *Requests* States and regional fisheries management organizations and arrangements to take urgent action to reduce the by-catch of seabirds, including

[20] Food and Agriculture Organization of the United Nations, *Report of the Technical Consultation on Sea Turtles Conservation and Fisheries, Bangkok, 29 November-2 December 2004*, FAO Fisheries Report No. 765 (FIRM/R765 (En)), appendix E.

[21] See www.fao.org/docrep/012/i1145e/i1145e00.pdf.

albatrosses and petrels, in fisheries, by adopting and implementing conservation measures that are consistent with recognized international guidelines;

IX
Subregional and regional cooperation

87. *Urges* coastal States and States fishing on the high seas, in accordance with the Convention, the Agreement and other relevant instruments, to pursue cooperation in relation to straddling fish stocks and highly migratory fish stocks, either directly or through appropriate subregional or regional fisheries management organizations or arrangements, to ensure the effective conservation and management of such stocks;

88. *Urges* States fishing for straddling fish stocks and highly migratory fish stocks on the high seas, and relevant coastal States, where a subregional or regional fisheries management organization or arrangement has the competence to establish conservation and management measures for such stocks, to give effect to their duty to cooperate by becoming members of such an organization or participants in such an arrangement, or by agreeing to apply the conservation and management measures established by such an organization or arrangement, or to otherwise ensure that no vessel flying their flag is authorized to access the fisheries resources to which regional fisheries management organizations and arrangements or conservation and management measures established by such organizations or arrangements apply;

89. *Invites*, in this regard, subregional and regional fisheries management organizations and arrangements to ensure that all States having a real interest in the fisheries concerned may become members of such organizations or participants in such arrangements, in accordance with the Convention, the Agreement and the Code;

90. *Encourages* relevant coastal States and States fishing on the high seas for a straddling fish stock or a highly migratory fish stock, where there is no subregional or regional fisheries management organization or arrangement to establish conservation and management measures for such stocks, to cooperate to establish such an organization or enter into another appropriate arrangement to ensure the conservation and management of such stocks, and to participate in the work of the organization or arrangement;

91. *Urges* all signatory States and other States whose vessels fish within the area of the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean[22] for fishery resources covered by that Convention to become parties to that Convention as a matter of priority and, in the interim, to ensure that vessels flying their flags fully comply with the measures adopted;

92. *Encourages* signatory States and States having a real interest to become parties to the South Indian Ocean Fisheries Agreement, and urges those States to agree on and implement interim measures, including measures in accordance with paragraphs 80 and 83 to 87 of resolution 61/105 and paragraphs 117, 119, 120, 122 and 123 of resolution 64/72, to ensure the conservation and management of the fisheries resources and their marine ecosystems and habitats in the area to which that Agreement applies until such time as that Agreement enters into force;

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[22] United Nations, *Treaty Series*, vol. 2221, No. 39489.

93. *Takes note* of recent efforts at the regional level to promote responsible fishing practices, including combating illegal, unreported and unregulated fishing;

94. *Welcomes* the recent signatures and ratification of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean and encourages further signatures and ratifications of that Convention with a view to its early entry into force;

95. *Encourages* States, regional economic integration organizations and the entities referred to in article 1(2)(b) of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean that participated in the negotiation of that Convention, to fully implement the voluntary interim measures that have been adopted to give effect to paragraphs 80 and 83 to 87 of resolution 61/105 and to voluntarily restrain fishing effort and catches to avoid overexploitation of certain pelagic fisheries resources in the area to which that Convention will apply, until that Convention has entered into force and conservation and management measures have been adopted, and to take into account the scientific advice given by the Science Working Group in the adoption of future interim measures that should apply to certain pelagic fisheries resources before the entry into force of that Convention;

96. *Notes with satisfaction* the progress of negotiations to establish a subregional and regional fisheries management organization in the North Pacific, urges States having a real interest to participate in and expedite such negotiations, and to apply provisions of the Convention and the Agreement to their work, and encourages those participants to implement fully interim measures adopted in accordance with paragraphs 80 and 83 to 87 of resolution 61/105 and paragraphs 117, 119, 120, 122 and 123 of resolution 64/72;

97. *Takes note* of the ongoing efforts of the members of the Indian Ocean Tuna Commission to strengthen the functioning of the Commission so that it can more effectively discharge its mandate, and invites the Food and Agriculture Organization of the United Nations to continue to provide members of the Commission with the necessary assistance to this end;

98. *Welcomes with satisfaction* the entry into force of the Convention for the Strengthening of the Inter-American Tropical Tuna Commission Established by the 1949 Convention between the United States of America and the Republic of Costa Rica, and invites all those that may consent to be bound by that Convention to consider doing so, in accordance with its terms;

99. *Urges* further efforts by regional fisheries management organizations and arrangements, as a matter of priority, in accordance with international law, to strengthen and modernize their mandates and the measures adopted by such organizations or arrangements, and to implement modern approaches to fisheries management, as reflected in the Agreement and other relevant international instruments, relying on the best scientific information available and application of the precautionary approach and incorporating an ecosystem approach to fisheries management and biodiversity considerations, including, inter alia, the conservation and management of ecologically related and dependant species and protection of their habitats, where these aspects are lacking, to ensure that they effectively contribute to long-term conservation and management and sustainable use of marine

living resources and welcomes those regional fisheries management organizations and arrangements that have taken steps in this direction;

100. *Calls upon* regional fisheries management organizations with the competence to conserve and manage highly migratory fish stocks that have not yet adopted effective conservation and management measures in line with the best scientific information available to conserve and manage stocks falling under their mandate to do so urgently;

101. *Urges* States to strengthen and enhance cooperation among existing and developing regional fisheries management organizations and arrangements in which they participate, including increased communication and further coordination of measures, such as through the holding of joint consultations, and to strengthen integration, coordination and cooperation by such regional fisheries management organizations and arrangements with other relevant fisheries organizations, regional seas arrangements and other relevant international organizations;

102. *Urges* the five regional fisheries management organizations with competence to manage highly migratory species to continue to take measures to implement the Course of Actions adopted at the second joint meeting of those organizations, encourages participation in the third joint meeting, to be held in La Jolla, United States of America, from 11 to 15 July 2011, and invites developing States parties to the Agreement to utilize the assistance available to them under the Agreement, as well as other available funding assistance, to facilitate their participation in that meeting;

103. *Welcomes* the outcomes of the joint tuna regional fisheries management organizations international workshops held in 2010 on improvement, harmonization and compatibility of monitoring, control and surveillance measures, management issues relating to by-catch, the provision of scientific advice and management of tuna fisheries, and encourages those organizations to actively consider the recommendations of the workshops;

104. *Invites* States and regional fisheries management organizations and arrangements with competence to manage straddling fish stocks to share experiences and good practices, for example by considering organizing, where appropriate, joint meetings;

105. *Urges* regional fisheries management organizations and arrangements to improve transparency and to ensure that their decision-making processes are fair and transparent, rely on the best scientific information available, incorporate the precautionary approach and ecosystem approaches, address participatory rights, including through, inter alia, the development of transparent criteria for allocating fishing opportunities which reflects, where appropriate, the relevant provisions of the Agreement, taking due account, inter alia, of the status of the relevant stocks and the respective interests in the fishery;

106. *Welcomes* the fact that a number of regional fisheries management organizations and arrangements have completed performance reviews, and encourages the implementation, as appropriate, of the recommendations of their respective reviews as a matter of priority;

107. *Urges* States, through their participation in regional fisheries management organizations and arrangements that have not done so, to undertake, on an urgent

basis, performance reviews of those regional fisheries management organizations and arrangements, initiated either by the organization or arrangement itself or with external partners, including in cooperation with the Food and Agriculture Organization of the United Nations, using transparent criteria based on the provisions of the Agreement and other relevant instruments, and taking into account the best practices of regional fisheries management organizations or arrangements and, as appropriate, any set of criteria developed by States or other regional fisheries management organizations or arrangements, and encourages that such performance reviews include some element of independent evaluation and propose means for improving the functioning of the regional fisheries management organization or arrangement, as appropriate;

108. *Encourages* regional fisheries management organizations and arrangements to make the results of those performance reviews publicly available and to discuss the results jointly;

109. *Urges* States to cooperate, taking into account those performance reviews, to develop best practice guidelines for regional fisheries management organizations and arrangements and to apply, to the extent possible, those guidelines to organizations and arrangements in which they participate;

110. *Encourages* the development of regional guidelines for States to use in establishing sanctions for non-compliance by vessels flying their flag and by their nationals, to be applied in accordance with national law, that are adequate in severity for effectively securing compliance, deterring further violations and depriving offenders of the benefits deriving from their illegal activities, as well as in evaluating their systems of sanctions to ensure that they are effective in securing compliance and deterring violations;

X
Responsible fisheries in the marine ecosystem

111. *Encourages* States to apply by 2010 the ecosystem approach, in accordance with paragraph 30 (*d*) of the Johannesburg Plan of Implementation;[11]

112. *Urges* States, individually or through regional fisheries management organizations and arrangements, to continue their efforts to apply an ecosystem approach to fisheries;

113. *Encourages* States, individually or through regional fisheries management organizations and arrangements and other relevant international organizations, to work to ensure that fisheries and other ecosystem data collection is performed in a coordinated and integrated manner, facilitating incorporation into global observation initiatives, where appropriate;

114. *Calls upon* States and regional fisheries management organizations or arrangements, working in cooperation with other relevant organizations, including the Food and Agriculture Organization of the United Nations, the Intergovernmental Oceanographic Commission and the World Meteorological Organization, to adopt, as appropriate, measures to protect ocean data buoy systems moored in areas beyond national jurisdiction from actions that impair their operation;

115. *Encourages* States to increase scientific research in accordance with international law on the marine ecosystem;

116. *Calls upon* States, the Food and Agriculture Organization of the United Nations and other specialized agencies, subregional and regional fisheries management organizations and arrangements, where appropriate, and other appropriate intergovernmental bodies, to cooperate in achieving sustainable aquaculture, including through information exchange, developing equivalent standards on such issues as aquatic animal health and human health and safety concerns, assessing the potential positive and negative impacts of aquaculture, including socio-economics, on the marine and coastal environment, including biodiversity, and adopting relevant methods and techniques to minimize and mitigate adverse effects, and in this regard encourages the implementation of the 2007 Strategy and Outline Plan for Improving Information on Status and Trends of Aquaculture of the Food and Agriculture Organization of the United Nations,[23] as a framework for the improvement and understanding of aquaculture status and trends;

117. *Calls upon* States to take action immediately, individually and through regional fisheries management organizations and arrangements, and consistent with the precautionary approach and ecosystem approaches, to implement the 2008 International Guidelines for the Management of Deep-sea Fisheries in the High Seas of the Food and Agriculture Organization of the United Nations ("the Guidelines")[24] in order to sustainably manage fish stocks and protect vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold water corals, from destructive fishing practices, recognizing the immense importance and value of deep sea ecosystems and the biodiversity they contain;

118. *Reaffirms* paragraphs 113 to 130 of resolution 64/72 addressing the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep sea fish stocks, and urges States and relevant regional fisheries management organizations and arrangements to fully implement the actions called for in those paragraphs;

119. *Also reaffirms* that nothing in the paragraphs of its resolutions 61/105 and 64/72 addressing the impacts of bottom fishing on vulnerable marine ecosystems prejudices the sovereign rights of coastal States over their continental shelf or the exercise of the jurisdiction of coastal States with respect to their continental shelf under international law as reflected in the Convention, in particular article 77;

120. *Welcomes* the substantial ongoing work of the Food and Agriculture Organization of the United Nations related to the management of deep sea fisheries in the high seas and the protection of vulnerable marine ecosystems, and urges States and regional fisheries management organizations and arrangements to ensure that their actions in sustainably managing deep sea fisheries and implementing paragraphs 80 and 83 to 87 of resolution 61/105 and paragraphs 119 to 124 of resolution 64/72 are consistent with the Guidelines;

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[23] Food and Agriculture Organization of the United Nations, *Decisions and Recommendations of the Third Session of the Sub-Committee on Aquaculture, Twenty-seventh Session of the Committee on Fisheries, Rome, 5-9 March 2007* (COFI/2007/5), appendix.

[24] Food and Agriculture Organization of the United Nations, *Report of the Technical Consultation on International Guidelines for the Management of Deep-sea Fisheries in the High Seas, Rome, 4-8 February and 25-29 August 2008*, FAO Fisheries and Aquaculture Report No. 881 (FIEP/R881 (Tri)), appendix F.

121. *Takes note* of the convening of a workshop on implementing the Guidelines in Busan, Republic of Korea, from 10 to 12 May 2010, and invites the secretariat of the Food and Agriculture Organization of the United Nations to make the report of the workshop available;

122. *Requests* the Secretary-General, in cooperation with the Food and Agriculture Organization of the United Nations, to report to the General Assembly at its sixty-sixth session on the actions taken by States and regional fisheries management organizations and arrangements in response to paragraphs 80 and 83 to 87 of resolution 61/105 and paragraphs 113 to 117 and 119 to 127 of resolution 64/72, in order to facilitate the further review of the actions taken, referred to in paragraph 129 of resolution 64/72;

123. *Encourages* accelerated progress to establish criteria on the objectives and management of marine protected areas for fisheries purposes, and in this regard welcomes the proposed work of the Food and Agriculture Organization of the United Nations to develop technical guidelines in accordance with the Convention and the Code on the design, implementation and testing of marine protected areas for such purposes, and urges coordination and cooperation among all relevant international organizations and bodies;

124. *Urges* all States to implement the 1995 Global Programme of Action for the Protection of the Marine Environment from Land-based Activities[25] and to accelerate activity to safeguard the marine ecosystem, including fish stocks, against pollution and physical degradation;

125. *Acknowledges* the serious environmental impacts on the marine environment caused by abandoned, lost or otherwise discarded fishing gear, welcomes the 2009 report by the United Nations Environment Programme and the Food and Agriculture Organization of the United Nations,[7] and encourages States to take action to reduce such gear, noting the recommendations of the report;

126. *Reaffirms* the importance it attaches to paragraphs 77 to 81 of resolution 60/31 concerning the issue of lost, abandoned or discarded fishing gear and related marine debris and the adverse impacts such debris and derelict fishing gear have on, inter alia, fish stocks, habitats and other marine species, and urges accelerated progress by States and regional fisheries management organizations and arrangements in implementing those paragraphs of the resolution;

127. *Encourages* further studies, including by the Food and Agriculture Organization of the United Nations, on the impacts of underwater noise on fish stocks and fishing catch rates, as well as associated socio-economic effects;

128. *Calls upon* States, including through regional fisheries management organizations and arrangements, to play an active role in global efforts to conserve and sustainably use marine living resources, so as to contribute to marine biological diversity;

129. *Encourages* States, either individually or through regional fisheries management organizations and arrangements, as appropriate, to identify any spawning and nursery areas for fish stocks under their jurisdiction or competence

[25] See A/51/116, annex II.

and, where required, to adopt science-based measures to conserve such stocks during these critical life stages;

XI
Capacity-building

130. *Reiterates* the crucial importance of cooperation by States directly or, as appropriate, through the relevant subregional and regional organizations, and by other international organizations, including the Food and Agriculture Organization of the United Nations through its FishCode programme, including through financial and/or technical assistance, in accordance with the Agreement, the Compliance Agreement, the Code and its associated international plans of action,[7] to increase the capacity of developing States to achieve the goals and implement the actions called for in the present resolution;

131. *Welcomes* the work of the Food and Agriculture Organization of the United Nations in developing guidance on the strategies and measures required for the creation of an enabling environment for small-scale fisheries, including the development of a code of conduct and guidelines for enhancing the contribution of small-scale fisheries to poverty alleviation and food security that include adequate provisions with regard to financial measures and capacity-building, including transfer of technology, and encourages studies for creating possible alternative livelihoods for coastal communities;

132. *Encourages* increased capacity-building and technical assistance by States, international financial institutions and relevant intergovernmental organizations and bodies for fishers, in particular small-scale fishers, in developing countries, and in particular small island developing States, consistent with environmental sustainability, in recognition that food security and livelihoods may depend on fisheries;

133. *Encourages* the international community to enhance the opportunities for sustainable development in developing countries, in particular the least developed countries, small island developing States and coastal African States, by encouraging greater participation of those States in authorized fisheries activities being undertaken within areas under their national jurisdiction, in accordance with the Convention, by distant-water fishing nations in order to achieve better economic returns for developing countries from their fisheries resources within areas under their national jurisdiction and an enhanced role in regional fisheries management, as well as by enhancing the ability of developing countries to develop their own fisheries, as well as to participate in high seas fisheries, including access to such fisheries, in conformity with international law, in particular the Convention and the Agreement, and taking into account article 5 of the Code;

134. *Requests* distant-water fishing nations, when negotiating access agreements and arrangements with developing coastal States, to do so on an equitable and sustainable basis, including by giving greater attention to fish processing and fish-processing facilities within the national jurisdiction of the developing coastal State to assist the realization of the benefits from the development of fisheries resources, and also the transfer of technology and assistance for monitoring, control and surveillance and compliance and enforcement within areas under the national jurisdiction of the developing coastal State providing

fisheries access, taking into account the forms of cooperation set out in article 25 of the Agreement and article 5 of the Code;

135. *Encourages* States, individually and through regional fisheries management organizations and arrangements, to provide greater assistance and to promote coherence in such assistance for developing States in designing, establishing and implementing relevant agreements, instruments and tools for the conservation and sustainable management of fish stocks, including in designing and strengthening their domestic regulatory fisheries policies and those of regional fisheries management organizations or arrangements in their regions, and the enhancement of research and scientific capabilities through existing funds, such as the Assistance Fund under Part VII of the Agreement, bilateral assistance, regional fisheries management organizations and arrangements assistance funds, the FishCode programme, the World Bank's global programme on fisheries and the Global Environment Facility;

136. *Also encourages* States to provide technical and financial support to developing countries to address their special requirements and challenges in implementing the Guidelines;

137. *Calls upon* States to promote, through continuing dialogue and the assistance and cooperation provided in accordance with articles 24 to 26 of the Agreement, further ratification of or accession to the Agreement by seeking to address, inter alia, the issue of lack of capacity and resources that might stand in the way of developing States becoming parties;

138. *Notes with appreciation* the compilation prepared by the Secretariat of the needs of developing States for capacity-building and assistance in the conservation and management of straddling fish stocks and highly migratory fish stocks and the sources of available assistance for developing States to address such needs;[26]

139. *Encourages* States, regional fisheries management organizations and arrangements and other relevant bodies to assist developing States in the implementation of the actions called for in paragraphs 80 and 83 to 87 of resolution 61/105 and paragraphs 113, 117 and 119 to 124 of resolution 64/72;

140. *Urges* States and regional economic integration organizations, individually and through regional fisheries management organizations and arrangements, to mainstream efforts to assist developing States, in particular the least developed and small island developing States, with other relevant international development strategies with a view to enhancing international coordination to enable them to develop their national capacity to exploit fishery resources, consistent with the duty to ensure the conservation and management of those resources, and in this regard requests the Secretary-General to fully mobilize and coordinate the agencies, funds and programmes of the United Nations system, including at the level of the regional economic commissions, within their respective mandates;

141. *Requests* States and regional fisheries management organizations to develop strategies to further assist developing States, in particular the least developed and small island developing States, in fully realizing the benefits from

[26] Available from www.un.org/Depts/los/convention_agreements/fishstocksmeetings/compilation2009updated.pdf.

the catch of straddling fish stocks and highly migratory fish stocks and in strengthening regional efforts to sustainably conserve and manage such stocks, and in this regard, to make available such information;

XII
Cooperation within the United Nations system

142. *Requests* the relevant parts of the United Nations system, international financial institutions and donor agencies to support increased enforcement and compliance capabilities for regional fisheries management organizations and their member States;

143. *Invites* the Food and Agriculture Organization of the United Nations to continue its cooperative arrangements with United Nations agencies on the implementation of the international plans of action and to report to the Secretary-General, for inclusion in his annual report on sustainable fisheries, on priorities for cooperation and coordination in this work;

XIII
Sixty-sixth session of the General Assembly

144. *Requests* the Secretary-General to bring the present resolution to the attention of all States, relevant intergovernmental organizations, the organizations and bodies of the United Nations system, subregional and regional fisheries management organizations and relevant non-governmental organizations, and to invite States and regional economic integration organizations and regional fisheries management organizations and arrangements to submit detailed information to the Secretary-General in a timely manner on actions taken pursuant to paragraphs 80 and 83 to 87 of resolution 61/105 and paragraphs 113 to 117 and 119 to 127 of resolution 64/72 to facilitate a further review of such actions;

145. *Also requests* the Secretary-General to bring the present resolution to the attention of the Inter-agency Consultative Group on Small Island Developing States in the context of paragraph 140 of the present resolution;

146. *Decides* to include in the provisional agenda of its sixty-sixth session, under the item entitled "Oceans and the law of the sea", the sub-item entitled "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments", and to consider the possibility of including this sub-item in future provisional agendas on a biennial basis.

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Agenda item 74 (b)
Oceans and the law of the sea: sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Brazil, Canada, Denmark, Iceland, Monaco, New Zealand, Norway, Seychelles, Trinidad and Tobago, Tuvalu and United States of America: draft resolution

Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Addendum

Add the following countries to the list of sponsors of the draft resolution:

Australia, Belgium, Belize, Cyprus, Fiji, Greece, Honduras, Malta, Micronesia (Federated States of), Netherlands, Papua New Guinea, Portugal, Romania, Slovenia, Tonga and Ukraine

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Sixty-fifth session
Agenda item 35
Zone of peace and cooperation of the South Atlantic

Angola: draft resolution

Zone of peace and cooperation of the South Atlantic

The General Assembly,

Recalling its resolution 41/11 of 27 October 1986, in which the Atlantic Ocean, in the region situated between Africa and South America, was solemnly declared a zone of peace and cooperation of the South Atlantic,

Recalling also its subsequent resolutions on the zone of peace and cooperation of the South Atlantic,

Reaffirming that the questions of peace and security and those of development are interrelated and inseparable, and considering that cooperation among States, in particular those of the region, for peace and development is essential for the promotion of the objectives of the zone of peace and cooperation of the South Atlantic,

Reaffirming also the importance of the purposes and objectives of the zone of peace and cooperation of the South Atlantic as a basis for the promotion of cooperation among the States of the region,

Recalling its relevant resolutions, in which it urged States of the region to continue their actions aimed at fulfilling the objectives of the zone of peace and cooperation of the South Atlantic, especially through the implementation of specific programmes,

1. *Stresses* the role of the zone of peace and cooperation of the South Atlantic as a forum for increased interaction among its member States;

2. *Calls upon* States to cooperate in the promotion of the objectives of peace and cooperation established in resolution 41/11 and reiterated in the Luanda Final Declaration and the Luanda Plan of Action;

3. *Requests* the relevant organizations, organs and bodies of the United Nations system, and invites relevant partners, including international financial institutions, to render all appropriate assistance that States members of the zone of

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peace and cooperation of the South Atlantic may seek in their joint efforts to implement the Luanda Plan of Action;

4. *Welcomes* the round table to be hosted by the Government of Brazil on 6 and 7 December 2010 in Brasilia, aimed, inter alia, at gathering inputs for a new programme of work for the zone, and thanks the Government of Brazil for its initiative and generosity;

5. *Also welcomes* the offer by the Government of Uruguay to host the seventh ministerial meeting of the States members of the zone of peace and cooperation of the South Atlantic;

6. *Requests* the Secretary-General to keep the implementation of resolution 41/11 and subsequent resolutions on the zone of peace and cooperation of the South Atlantic under review and to submit a report to the General Assembly at its sixty-sixth session, taking into account, inter alia, the views expressed by Member States;

7. *Decides* to include in the provisional agenda of its sixty-seventh session the item entitled "Zone of peace and cooperation of the South Atlantic".

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Sixty-fifth session
Agenda item 35
Zone of peace and cooperation of the South Atlantic

Angola: draft resolution

Zone of peace and cooperation of the South Atlantic

Addendum

Add the following countries to the list of sponsors of the draft resolution:

Argentina, Benin, Brazil, Equatorial Guinea, Gabon, Guinea-Bissau, Senegal, Togo and Uruguay

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